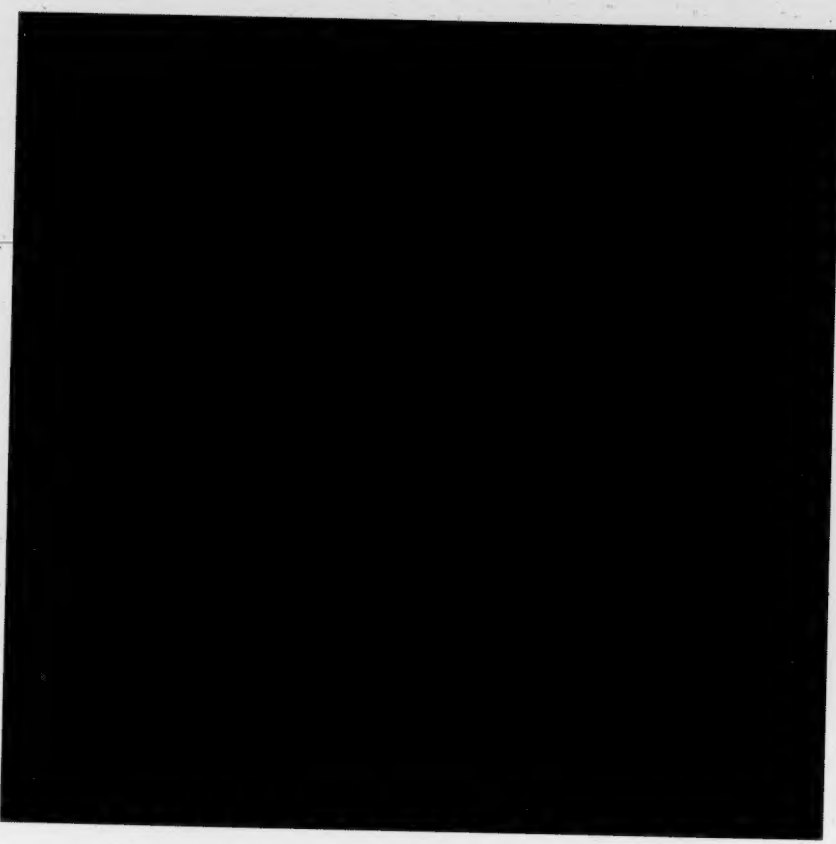
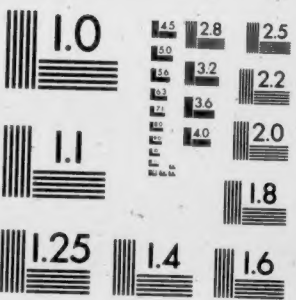
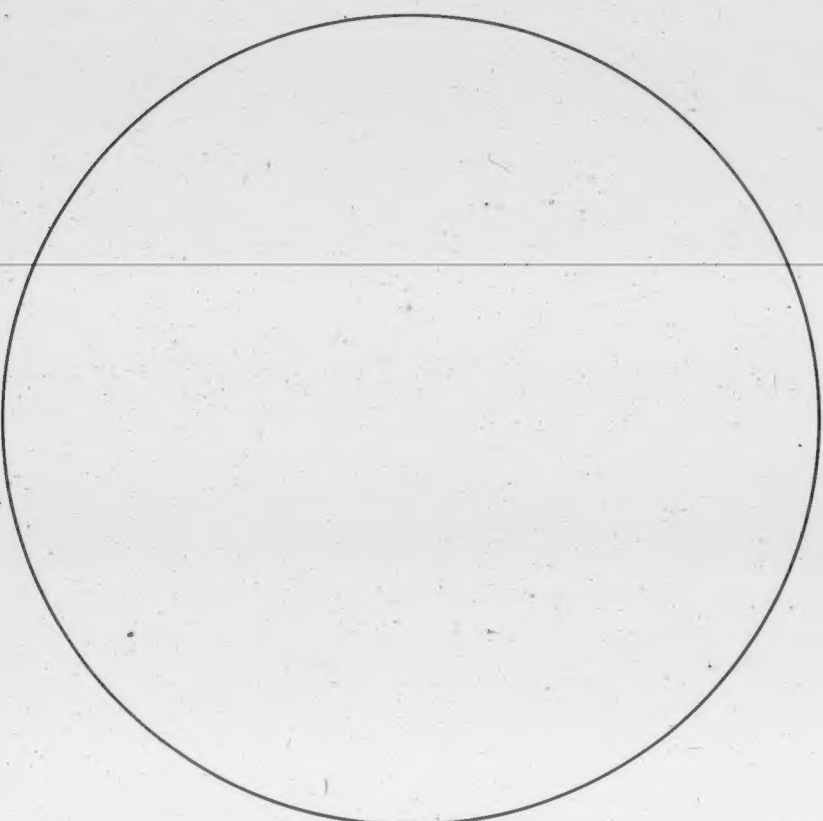
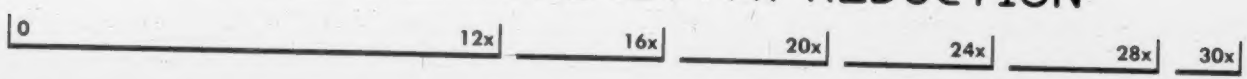


THE GENEALOGICAL SOCIETY
OF UTAH

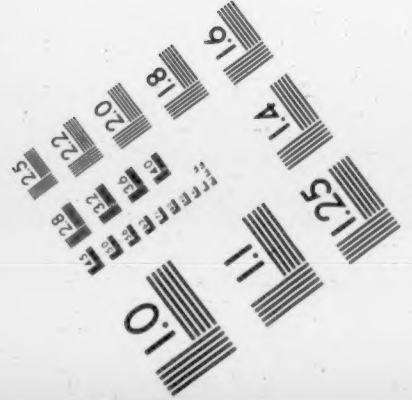
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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 59

CHOCTAW D236-D515

**THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION**

WASHINGTON: 1983

D 236

Thomas M. Barnett

Record transferred to

GROCTAW.

#5829.

/
CHOCTAW D

Mary B. French.

Transferred to CHOCTAW 2517-

CHOCTAW

A. 238

James S. Long
et al.,

CANCELLED

and record transferred
to Choctaw # 5993.

choc D239 Elizabeth S. Kinzey

no1 Dismissed May 27, 1904

D239

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

Record in the matter of the application for enrollment
as an intermarried citizen of the Choctaw Nation of:

Elizabeth S. Kinzey,

7-D-239.

---o---

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Elizabeth S. Kinzey for the enrollment of herself as an intermarried citizen of the Choctaw Nation, and for the enrollment of her two minor children, Ada M., and Louis Jackson Kinzey, as citizens by blood of the Choctaw Nation.

---D 239---

On the 28th day of February, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Elizabeth S. Kinzey, Ada M. Kinzey, and Louis Jackson Kinzey for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 7th day of April, 1902, for final consideration.

Now, on this 8th day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicants, being called, failed to appear either in person or by attorney, and the Choctaw Nation appeared by its attorneys, Mansfield, McMurray & Cornish, and submitted this case upon the record.

---000---

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 7th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 10th day of April, 1902.

Harriet M. Wood

Notary Public.

Muskogee, Indian Territory, February 28, 1902.

Elizabeth S. Kinzey,
Cameron, Indian Territory.

You are hereby notified that your application for the enrollment of yourself and your minor child, Ada N. Kinzey, as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 7th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting the rights of yourself and your said child to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

I. D. Woodcock.

Register

Commissioner in Charge.

900
7-D-239.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Elizabeth S. Kinzey
for enrollment as a citizen by intermarriage of the Choctaw Nation.

-----o-----

The applicant, Elizabeth S. Kinzey, nee Naybors, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one Jackson Kinzey. The right of the applicant's husband, Jackson Kinzey, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of February 1, 1904, in case No. 13, upon the South McAlester docket of said court, it is hereby ordered that the application of Elizabeth S. Kinzey for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.

Muskogee, Indian Territory,

7- D- 239.

COPY.

Muskogee, Indian Territory, June 8, 1904.

Elizabeth S. Kinzey,
Cameron, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing your application for enrollment as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. 7- D- 239.

7- D- 239.

COPY.

Muskogee, Indian Territory, June 8, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

Inclosed herewith you will find a copy of the order of
the Commission to the Five Civilized Tribes, dated May 27, 1904,
dismissing the application for enrollment as a citizen by inter-
marriage of the Choctaw Nation of Elizabeth S. Kinsey.

Respectfully,

(SIGNED)

Jams Bixby.
Chairman.

Registered.

Incl. 7- D- 239.

See Choctaw R- 650 for registry receipt for this letter.

No. 194

CERTIFICATE OF RECORD OF MARRIAGES

UNITED STATES OF AMERICA

The Indian Territory

CENTRAL DISTRICT

} SCT.

I, E. J. FANNIN, Clerk of the United States Court in the Indian Territory and District aforesaid.

DO HEREBY CERTIFY that the License for and Certificate of the Marriage of

Mr *Andrew J. Hines* and

M *Elizabeth W. Hines*

were filed in my office in said Territory and District

the *3* day of *Feb.* A. D., 189*8*

and duly recorded in Book *1* of Marriage Record

page *97*

WITNESS my hand and seal of said Court, at

Lawrence this *3*
day of *February* A. D., 189*8*

E. J. FANNIN, Clerk.

By

J. T. Warner

Deputy

Marriage License

UNITED STATES OF AMERICA

The Indian Territory
Central District

SS.

To Any Person Authorized By Law to
Solemnize Marriage—Greeting.

You are hereby commanded to solemnize the
Rite and publish the Bans of Matrimony between
Mr Andrew J. Kinsey of *Farrar*
in the Indian Territory, aged — 18 — years, and
Miss Elizabeth S. Habor of *Farrar*
in the Indian Territory, aged — 18 — years,
according to law and do you officially sign and return this
License to the parties therein named.

WITNESS My hand and Official Seal, this 1 day of Feb A. D. 1898

J. T. Harner
Deputy

E. J. Farrar
Clerk of the U. S. Court

CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA

Indian Territory
Central District

SS.

I, *J. P. Evans*

a Minister of the Gospel
day of Feb

DO HEREBY CERTIFY, That on the

A. D. 1898

I did duly and according to law, as commanded in the foregoing
License, solemnize the Rite, and publish the Bans of Matrimony between the parties therein named.

Witness my hand this

1 day of

Feb

A. D. 1898

My credentials are recorded in the office of the Clerk of the United States Court, in the Indian
Territory, Central District, Book A Page 156

J. P. Evans
a Minister of the Gospel

NOTE: This License and Certificate of Marriage must be returned to the Office of the Clerk of the
United States Court of the Indian Territory, from whence it was issued, within sixty days from the date there-
of or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100).

Muscoogee, Indian Territory,

August 18th, 1900.

Elizabeth Vinsey,

Cameron, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. Johnson, Mansfield, McWhorter, & Cornish, have filed with this Commission a notice of protest to your enrollment in the enrollment of A. H. Vinsey as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-539.

Muskogee, Indian Territory, September 16, 1900.

Elizabeth Kinsey,

Cameron, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. However, the notice of protest has been withdrawn in your case by the attorneys for the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered, and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to February 1st, 1901.

As soon as the matter is decided by the Commission, you will be notified. In the meantime, you are left to your own devices and decisions on the Commission, stating your intentions for your future conduct. It is your duty to be true to the Nation.

Very truly,
The Commission.

Atoka, Oklahoma.

Muskogee, Indian Territory, April 25, 1901.

Mr. Jackson Kinsey,

Cameron, Indian Territory,

Dear Sir:-

The Commission is in receipt of the application for enrollment, as a citizen of the Choctaw Nation, of Louis Jackson Kinsey, the infant son of Jackson and Elizabeth Kinsey, born February 23, 1900, and the same being in proper form has been duly filed with the records of this Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

7-D-239

Muskogee, Indian Territory, April 10, 1902.

Jack Kinsey,

Cameron, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, requesting that you be supplied with a blank application for the enrollment of an infant child and enclosing proof of death of your daughter, Ada May Kinsey.

In accordance with your request there is enclosed you herewith a blank application for the enrollment of an infant child. In having the same executed be careful to see that all blanks are properly filled, all names written in full and in event either of the persons whose names are to be affixed to the affidavits are unable to write and their signatures are by mark, that such signatures be attested by two disinterested parties, witnesses thereto.

The notary public before whom the said acknowledgments of the mother and the attending physician or nurse are made, must affix his notarial jurat and seal to each separate affidavit.

The proof of the death of Ada May Kinsey is returned to you herewith for the reason that the same is not in proper form.

J K 2

The affidavit of the acquaintance is purported to be the affidavit of C. G. Adkins, while the same is sworn to by C. G. Nabers.

Upon the return of this proof of death in proper form, the matter will be given proper attention.

Yours truly,

Commissioner in Charge.

En: V 26

Muskogee, Indian Territory, March 31, 1902.

Elizabeth S. Kinsey,
Cameron, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 27th instant, referring to our communication of February 28, 1902, notifying you that the application for the enrollment of yourself and your minor child, Ada M. Kinsey, as citizens of the Choctaw Nation, would be taken up by the Commission for final consideration at its office in Muskogee, Indian Territory, on April 7, 1902.

You state in your letter that your daughter is dead and you desire your case set at some later date.

Replying to your letter you are informed that on February 28, 1902, the Commission also advised the legal representatives of the Choctaw Nation of such final consideration and cannot therefore comply with your request for a continuance, except upon motion duly made in writing together with an agreement on the part of the legal representatives of the Choctaw Nation for a continuance of your case until some specified date.

For the purpose of making the death of your daughter, Ada M. Kinsey a matter of record, there is enclosed you herewith

H S K 2

a blank proof of death which you are requested to have executed and return to this office. In having the same executed, be careful to see that all blanks are properly filled, all names written in full and in event either of the persons whose names are to be affixed to the affidavits are unable to write and their signatures are by mark, that such signatures be attested by two disinterested parties witnesses thereto.

The notary public before whom the acknowledgments of the relative and acquaintance, are made, must affix his notarial jurat and seal to each separate affidavit.

Yours truly,

~~Notary Public~~ Chairman.

D C

Muskogee, Indian Territory, May 6, 1902.

Jackson Kinzey,
Cameron, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of William Walter Kinzey, infant son of Jackson and Elisabeth Kinzey, born April 5, 1902, and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Receipt is also acknowledged of the affidavits of J. M. Nabors and G. G. Nabors relative to the death of Ada May Kinzey, daughter of Jackson and Elisabeth Kinzey which occurred November 1, 1899, and the same being in proper form have been duly filed with the records of the Commission.

Yours truly,

Commissioner in Charge.

7

IN RE

Application for Enrollment of
INFANT CHILD.

Eda May Kingery

As a citizen of the

Choctaw — Nation.

Approved

1.

Commissioner.

Exhibit in X 231

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
Adrian Sinsy, born on the 24 day of July, 1899.
Name of father: W. Sinsy, a citizen of the Choctaw Nation.
Name of mother: Elizabeth Sinsy, a citizen of the Choctaw Nation.
Post Office: Cameron

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Elizabeth Sinsy, on oath, state that I am 19 years of age and a
citizen, by marriage of the Choctaw Nation; that I am the
lawful wife of Adrian Sinsy, who is a citizen, by blood, of the
Choctaw Nation; that a female child was born to me on the 24 day
of July, 1899; that said child has been named Adrian Sinsy,
and is now living.

Subscribed and sworn to before me this

17th day of

July, 1899.

W. Sinsy
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Elizabeth Franklin, a midwife, on oath, state that I
attended on Mrs. Elizabeth Sinsy, wife of Adrian Sinsy,
on the 24 day of July, 1899; that there was born to her on said date a female child;
that said child is now living and is said to have been named Adrian Sinsy.

Subscribed and sworn to before me this

17th day of

July, 1899.

W. Sinsy
Notary Public.

IN RE
THE DEATH OF

Ada May Kinzey

a citizen of the

Choctaw

Nation.

Approved

MAY 6 1902

1

Commissioner

Commissioner.

Muskogee, Indian Territory,

JAN 28 1907

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 6 1902

ACTING CHAIRMAN.

It appearing from the within affidavits that Ada M. Kinzey died prior to September 25, 1902, it is, therefore, ordered that the application for her enrollment as a citizen by blood of the Choctaw Nation be, and the same is, hereby dismissed.

ENC 1 26

2237

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *Ada May Kinsey*
(Here insert name of deceased.)
 a citizen of the *Choctaw* Nation, who formerly resided at or near
Cameron, Ind. Ter., and died on the *1st* day of *Nov-*
1899.
(Here insert name of post office.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,

Central District
 I, *J. M. Nabors*, on oath state that I am *52*
 years of age and a citizen, by *USA*, of the *USA* Nation,
 that my post office address is *Cameron*, Ind. Ter.; that I am
(Here insert name of post office.)
Grand Father of *Ada May Kinsey*,
(State relationship, as: the father; an uncle, a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by *Choctaw*, of the *Choctaw* Nation;
 and that said *Ada May Kinsey* died on the *1st* day of
November, *1899*.
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two)
(Witnesses.)

Subscribed and sworn to before me this

7th day of*April*, *1902**C. G. Nabors*
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,

Central District
 I, *C. G. Nabors*, on oath state that I am *29*
 years of age, and a citizen, by *USA*, of the *USA* Nation,
 that my post office address is *Cameron*, Ind. Ter.;
(Here insert name of post office.)
 that I was personally acquainted with *Ada May Kinsey*,
(Here insert name of deceased.)
 who was a citizen, by *Choctaw*, of the *Choctaw* Nation;
 and that said *Ada May Kinsey* died on the *1st* day of
Nov, *1899*.
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two)
(Witnesses.)

Subscribed and sworn to before me this

7th day of*April*, *1902**C. G. Nabors*
Notary Public

CHOCTAW

William L. ...

GRANTED.

and transferred to CHOCTAW
card No. 500 00 21 1905

Choc 0241 Alice m^cClary

0241

5

Muscogee, Indian Territory,

August, 1876, 1000.

Alice McClary,

Ward, Indian Territory,

Dear Madam:

You are hereby notified that Messrs. McTear, McTear, & Corbin, have filed with this Court a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The hearing on, concerning October 3rd, 1876, will hold a session at 10 o'clock, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, which the court will hear.

Yours truly,

John C. Corbin

7-1-76.

Muskogee, Indian Territory, September 18, 1900.

Alice McGlary,

Ward, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest against you is, that you have married out of the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be communicated to you.

Yours truly,

Acting Chairman.

7- ~~241~~ 241

IN RE
THE DEATH OF

Alice M. Clay
a citizen of the
Choctaw Nation.

Approved DEC 19 1902 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 19 1902

[Signature]
ACTING CHAIRMAN.

CHOCTAW

D #241

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Alice Mcclary
(Here insert name of deceased.)

a citizen of the Choctaw Nation, who formerly resided at or near
Ward, Ind. Ter., and died on the 6 day of
April, 1900
(Here insert name of post office.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Elizabeth Choctaw, on oath state that I am 54
years of age and a citizen, by Marriage, of the Choctaw Nation;
that my post office address is Ward, Ind. Ter.; that I am
mother of Alice Mcclary,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by marriage, of the Choctaw Nation;
and that said Alice Mcclary died on the 6 day of
April, 1900 Elizabeth Choctaw

WITNESSES TO MAKE:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 17 day of Dec., 1902

J. C. Bolger
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, James Buel, on oath state that I am 58
years of age, and a citizen, by marriage, of the Choctaw Nation;
that my post office address is Ward, Ind. Ter.;
that I was personally acquainted with Alice Mcclary,
(Here insert name of deceased.)
who was a citizen, by marriage, of the Choctaw Nation;
and that said Alice Mcclary died on the 6 day of
April, 1900 James Buel

WITNESSES TO MAKE:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 17 day of Dec., 1902

J. C. Bolger
Notary Public

James M. Colman

Record transferred to Charleston
and = 4161

CHOCOT D 243

James H. Nichols

Record transferred to
CHOCOTAW. # 5825.

8. 21. 17
Hon E. Bright.

Record transferred to Choctaw
card # 2763

CHOCTAW

Mollie J. Davis

Transferred to Choct.
#2757 Jan 30-1905

I. 246

Harrison H. Dwyer

Record transferred to Chortaw
card # 2751

L. 247

George E. Hutchinson

Record transferred to Chastan
card # 277

CHOCTAW D 248

Richard M. Allen.

*Record transferred to
Choctaw card # 2775.*

Empty

Choc D 250 Frank W. Corney

Dismissed 9-16-06

D 250

Commission to the Five Civilized Tribes,
Spiro, Indian Territory.

In enrollment of Frank W. Carney as intermarried Choctaw;
being sworn and examined by Com'r McKennon he testifies:

Frank W. Carney, fifty years old.

Q You are a white man are you? A ~~Yes sir~~ I have Indian blood
in me, but it has never been proven; I was born in the states.

Q You married a citizen of the Choctaw Nation? A Yes sir

Q What was her name? A Maud Eva Conway

Q Is she still living? A Yes sir

Q And with you? A Yes sir

Q You have married her twice have you? A Yes sir

Q When and where did you first marry her? A Sebastian County
Arkansas

Q Under the laws of Arkansas? A Yes sir

Q When? A two years ago

Q You now present a license and marriage certificate here, license
dated June 30th, 1897 and the certificate ~~Married~~ of marriage is
dated July 1st, 1897, I will ask you whether or not you were
separated from your wife? A No sir.

Q Not divorced from her? A No sir

Q This is just a re-marriage in order to conform to the laws
of the Choctaw Nation? A Yes sir

Q She is described in this marriage certificate as Maud Conway,
was that really her name? A That was her maiden name.

Q At that time her name was in fact Maud Carney wasn't it?

A Yes sir; the Judge did that, I didn't dictate it.

Department of the Interior

Maud Conway

Muskogee, Indian Territory, February 28, 1902.

Frank W. Carney,

Cowlington, Indian Territory.

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 7th day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. D. Hodges.

Commissioner in Charge.

Register.

Black Creek Court House

Skullyville County Choctaw
Nation
Ind. Ter.,

June 30th-1897.

TO all whom it may concern That whereas Rev.F.W.Carney a Citizen
of the United States has this day petitioned according to
Law for License to marry a Citizen of the Choctaw Nation
he having complied with the requirements of said Law.
I the County Clerk of Skullyville County by Virtue of the
Authority in me Vested by the Laws of the Choctaw Nation
do hereby grant unto the above mentioned Rev.F.W.Carney
a License to marry a Citizen of the Choctaw Nation, and
any Minister of the Gospel or Judge of a Court is hereby
Authorized to Perform said Marriage;

In testimony whereof I hereunto set
my hand and Official Seal on this the 30th, day of June
1897.

E. W. Culbertson
Co, Clk Skullyville Co, C.N.

I do hereby certify that the above and foregoing marriage
License has this day been duly recorded in the Skullyville
County Records in Book - page 751 of the said records.

This the 20th day of August A.D. 1897.

E. W. Culbertson
Co., Cl'k Skullyville Co, C.N.

I do hereby certify that the
~~above~~ within Marriage
Certificate has been re-
corded as required in
the Municipal Court
Records Book No. - Page
709. In witness whereof
I have hereunto set my
hand and seal of office
this 1st day of June 1908

I do certify that
I have this day,
joined together Mr
F. W. Carney and
Miss Maud Conway,
in the Holy Bonds
of Matrimony, acco-
rding to the Laws
of the Choctaw
Nation.

This, the first
day of July 1847.

M. Ward
County Judge
St. Louis, Mo. 1847

Marriage License
of F. W. Carnes.

Recorded on page 706
Book - of The Records
of the Shullsville
Separate - Nation

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Frank W. Carney for enrollment as an
intermarried citizen of the Choctaw
Nation.

----D 250---

On the 28th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Frank W. Carney for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory on the 7th day of April, 1902, for final consideration.

Now, on this 7th day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicant being called failed to appear, and the Choctaw Nation appeared by its attorneys, Mansfield, McMurray & Cornish, and submitted this case upon the record.

-----O-----

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 7th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 10th day of April, 1902.

W. H. Mansfield

Notary Public.

7-D-250 (J. W.)

32

IN RE
THE DEATH OF

Frank W. Carney
a citizen of the
Choctaw Nation.

It appearing from the within affidavits that Frank W. Carney died prior to September 25, 1902, it is hereby ordered that the application for the enrollment of said Frank W. Carney as a citizen by intermarriage of the Choctaw Nation be dismissed.

Approved

SEP 14 1906

190

W. O. Beall
Acting Commissioner.

W. O. Beall

Acting Commissioner.

Muskogee, Indian Territory,

SEP 19 1906

DEPARTMENT OF THE INTERIOR,
Commissioner to the Five Civilized Tribes.

FILED

9061

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Frank W. Barney
(Here insert name of deceased.)
a citizen of the Choctaw Nation, who formerly resided at or near
Lawling, Ind. Ter., and died on the _____ day of
March, 1902
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Central DISTRICT.
I, Robert Page, on oath state that I am 48
years of age and a citizen, by blood, of the Choctaw Nation;
that my postoffice address is Poteau, Ind. Ter.; that I am
(Here insert name of postoffice.)
a-uncle of the wife of Frank W. Barney
(State relationship: as the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by inter marriage of the Choctaw Nation
and that said Frank W. Barney died on the _____ day of
March, 1902
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must Be Two)
Witnesses.

Subscribed and sworn to before me this

31st day of August 1906Lacey P. Rob.

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Central DISTRICT.
I, William C. Page, on oath state that I am 43
years of age, and a citizen by blood, of the Choctaw Nation;
that my postoffice address is Poteau, Ind. Ter.;
(Here insert name of postoffice.)
that I was personally acquainted with Frank W. Barney
(Here insert name of deceased.)
who was a citizen, by inter marriage of the Choctaw Nation;
and that said Frank W. Barney died on the _____ day of
March, 1902
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must Be Two)
Witnesses.

Subscribed and sworn to before me this

31st day of August 1906Lacey P. Rob.

Notary Public.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

ALLISON L. AYLESWORTH,
SECRETARY

Muscogee, Indian Territory,

August 18th, 1900.

Frank W. Carney,

Cowlington, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-250.

COMMISSIONER
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 16, 1900.

Frank W. Carney,

Cowlington, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised is to your right to enrollment under your second marriage.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

William H. Hall
Acting Chairman.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEIDLES,
C. R. BRICKNELL

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED IN REPLY TO OFFICE MAIL

7-D-250

Muskogee, Indian Territory, February 26, 1903.

Frank W. Carney,
Cowlington, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw nations April 1, 1903.

The act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at this place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,



Chairman.

COMMISSIONER,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

7-D-250.

Muskogee, Indian Territory, August 15, 1904.

Frank W. Carney,

Cowlington, Indian Territory,

Dear Sir:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Chickasaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the land office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the land office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,



Commissioner in Charge.

Muskogee, Indian Territory, October 6, 1904.

Post Master,

Cowlington, Indian Territory.

Dear Sir:

A letter recently addressed by this Commission to Frank W. Carney at Cowlington, Indian Territory, has been returned here from your office bearing the notation "Return to writer, -removed and deceased". It is important that this Commission be furnished with evidence of his death in order that his application for enrollment as a citizen of the Choctaw Nation may be disposed of.

There is enclosed herewith, a blank form for proof of death, and if you are able to do so, you are requested to have same properly filled out and executed before a Notary Public, and return to this Commission as early as practicable. If you cannot secure the execution of this proof of death, will you kindly turn the same over to some person, who, in your opinion, will be able to do so.

Your attention to this matter will be appreciated by the Commission.

Respectfully,

Env.
D.C.

Chairman.

7-D-250.

Muskogee, Indian Territory, November 3, 1905.

Postmaster,

Cowlington, Indian Territory.

Dear Sir:

This office has received information to the effect that Frank W. Carney, an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation, has died since the date of his application. In order to secure this information in proper form there is enclosed herewith blank proof of death which you are requested to fill in, returning the same to this office in the enclosed envelope which requires no postage.

Your prompt attention to this matter will be greatly appreciated.

Respectfully,

Commissioner.

Enc. D.C.

Env.

Frank W. Carney does not live near this office. The last account we had of him he was living near Pocola, I. T.

Respt.

J. W. Robinson, P. M.

Muskogee, Indian Territory, November 11, 1906.

Postmaster,

Pocola, Indian Territory.

Dear Sir:

This office has received information to the effect that Frank W. Carney, an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation, has died since the date of his application. In order to secure this information in proper form there is inclosed herewith blank proof of death which you are requested to fill in, returning the same to this office in the enclosed envelope.

Your prompt attention to this matter will be greatly appreciated.

Respectfully,

Commissioner.

Enc. D. C.
Inv.

Dec 4, 1925.
Commission to the five civilized Tribes,
Muskogee, I. T.

Dear Sir:

I can not get any information in regard to the death of Frank W. Carney there is not any one in this settlement that knows any thing in regard to his death he did not live in this settlement at the time of his death.

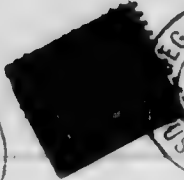
Respectfully,

J. W. George, P. N.

100
704

Handwritten notes:
N. H. ...
...

CORNINGTON
APR 7 1902
IND. T.



REGISTER
MUSKOGEE, IND. TER.
1900

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

APR 9 1902
3015

Frank W. Corney
Cornington
Indian Territory

COMMISSIONERS
HENRY L. DAWES
JAMES BIXBY
THOMAS B. NEEDLES
C. K. BRECKINRIDGE

ALLISON L. HYLESWORTH
REGISTER

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Choctaw D-250

Muskogee, Indian Territory, February 28, 1902.

Frank W. Carney,

Corlinton, Indian Territory.

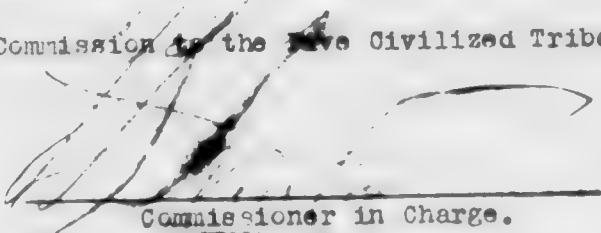
You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 7th day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

Register.


Commissioner in Charge.

Choc 0251 miles S. Collins

0251

A 271

Wiles S. Collins

RECEIVED

RECEIVED

RECEIVED

RECEIVED

RECEIVED

RECEIVED

RECORD FORWARDED DEPARTMENT.

*Wiles S. Collins transferred
to Shadow Lake*

Oct 31, 1904.

On return of W. S.

... ..

445

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,)

DISTRICT.)

State of Arkansas +
County of Sebastian)
City of Fort Smith)

I, Fagan Bourland on oath state that I am 40 years of age; and was personally acquainted with Lena Collins during her lifetime; that she was a citizen by Marriage of the Choctaw Nation and the lawful wife of Miles S. Collins, Sr.; and know that on the 7th day of March, 1897, there was born to the said Lena Collins a male child; that said child is now living and is named Joseph E. Collins.

Fagan Bourland

Subscribed and sworn to before me this third day of January 1903.

Milton P. Byrd

(SEAL)

Notary Public.

My commission expires Feb'y 19, 1903.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY,)

_____ DISTRICT.)

State of Arkansas)

County of Sebastian)

City of Fort Smith)

I, Sallie Martin (single) on oath state that I am
33 years of age; and was personally acquainted with Lena Collins
during her lifetime; that she was a citizen by marriage of the
Choctaw Nation and the lawful wife of Miles S. Collins, Sr.;
and know that on the 7th day of March, 1897, there was born to the
said Lena Collins a male child; that said child is now living and is
named Joseph E. Collins.

Witness to Mark:

Milton P. Byrd

her
Sallie x Martin
mk

Subscribed and sworn to before me this third day of January 1903.

(SEAL)

Milton P. Byrd
Notary Public.

My commission expires Feb'y 19, 1903,

*IN RE**Application for Enrollment of**INFANT CHILD***Joseph E. Collins***as a citizen of the*

Choctaw*Nation.*

*Approved**190*

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes.
Filed Dec. 24, 1902.
Tams Bixby, Acting Chairman.

CHOCTAW.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
 of Joseph E. Collins, born on the 7th day of March, 1897
 (He to insert name of child.)
 Name of Father: Miles S. Collins, Sr., a citizen of the Choctaw Nation.
 Name of Mother: Lena Collins, a citizen of the Choctaw Nation.
 Mother deceased. Post-Office: Ft. Smith, Ark.
 Died Oct. 28, 1897.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
 INDIAN TERRITORY, }
 District. }

I, _____, on oath state that I am _____
 years of age and a citizen, by _____, of the _____ Nation;
 that I am the lawful wife of _____, who is a citizen, by
 _____, of the _____ Nation, that a _____ child was
 (Male or female.)
 born to me on the _____ day of _____ 190____; that said child has been
 named _____, and is now living.

WITNESSES TO MARK:

(Must be Two
 Witnesses) }

Subscribed and sworn to before me this _____ day of _____ 190____

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
 INDIAN TERRITORY, }
 Central District. }

I, T. L. Hedgecock, a Physician, on oath state that I
 attended on Mrs. Lena Collins, wife of M. S. Collins Sr.,
 on the 7 day of March, 1897; that there was born to her on said
 date a male child; that said child is now living and is said to have been
 named Joseph E. Collins

WITNESSES TO MARK

Dr. T. L. Hedgecock
 Milton, I. T.

Dr. T. L. Hedgecock

(Must be Two
 Witnesses) }

Subscribed and sworn to before me this 22 day of December 1902

(SEAL)

J. I. Lewis

Notary Public

My commission expires Mar. 15, 1905. Milton, I. T.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY.

In the matter of the application)
for the enrollment of Joseph E.)
Collins as a citizen of the Choc-)
taw Nation.)

P E T I T I O N.

Your petitioner, Miles S. Collins, Sr., respectfully requests that the name of his minor son, Joseph E. Collins, be placed upon the final roll of citizens of the Choctaw Nation, and that he be allowed to share equally in the distribution of all tribal property of the Choctaw Nation with other citizens of said nation, under and by virtue of the opinion of the Assistant Attorney General for the Department of the Interior, rendered December 8, 1905, in the Choctaw enrollment case of Mary Elizabeth Martin. In support thereof your petitioner sets forth the following as a true and correct statement of facts:

Your petitioner is a recognized and enrolled citizen by intermarriage of the Choctaw Nation having been finally enrolled as such by the Commission to the Five Civilized Tribes, which enrollment has been approved by the Secretary of the Interior, by virtue of his marriage in 1868 with Mary Collins (nee Daniels), a recognized citizen by blood of the Choctaw Nation, with whom your petitioner lived continuously as her husband until her death in 1876. Subsequently your petitioner was lawfully married to Lena Collins, a white woman, and as the offspring of this marriage the applicant, Joseph E. Collins, was born on March 7, 1896.

Your petitioner would further show that upon his marriage with the said Mary Collins (nee Daniels) in 1868 he became "in all respects" as though he were a native Choctaw, under Article XXXVIII. of the treaty between the United States and the Choctaw and Chickasaw Nations, concluded April 28, 1866. This being so the appli-

cant, Joseph E. Collins, born in lawful wedlock to your petitioner subsequent to the time when he became such citizen, was born to the allegiance of the Choctaw Nation and has been from his birth and is today a citizen by birth of said nation, entitled to all the rights, benefits, privileges and immunities of other citizens of said nation.

It is further stated that from the date of the marriage of your petitioner and the said Mary Collins (nee Daniels) in 1868 up to the present time he has been a bona fide resident of the Choctaw-Chickasaw country and that the applicant, Joseph E. Collins, was born in the Choctaw Nation and has resided in said nation since his birth.

Your petitioner further states that on December 18, 1902, he appeared in person before the Commission to the Five Civilized Tribes, at Wister, Indian Territory, and made personal application for the enrollment of his minor child, the applicant Joseph E. Collins; that subsequently he filed with said Commission evidence of his marriage with Lena Collins, the mother of said child, and proper proof of the birth of said applicant.

WHEREFORE, your petitioner respectfully prays that, if the evidence already on file in this case is insufficient upon which the Commissioner to the Five Civilized Tribes may base a decision herein, he be granted an opportunity to introduce further testimony and evidence in support of the allegations herein made; that a day be set when a hearing in this case may be had and such testimony, relative to the right of this applicant to enrollment, may be taken; and that should said evidence and testimony substantiate the statements and allegations herein set forth the Commissioner to the Five Civilized Tribes enroll the said Joseph E. Collins as a citizen of the Choctaw Nation, in accordance with the provisions of the Acts

of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641).

~~Miles~~ S. Collins Sr.

Indian Territory,)) SS.
Central District.)

Incorporated Town of Spiro, Ind. Ter.

Miles S. Collins, Sr., being first duly sworn on oath states that he has read the foregoing petition, by him subscribed, knows the contents thereof and that the same is true in substance and in fact.

Miles S. Collins Sr.

Subscribed and sworn to before me this 13 day of January 1906.

(SEAL)

Wesley Smith
Mayor of the Incorporated
Town of Spiro, Ind. Ter.

My Commission expires _____

Apple & Franklin,
Muskogee, Ind. Ter.
Attorneys for applicant.

United States of America,))
Indian Territory,) SS.
Western District.)

I, Wirt Franklin, one of the attorneys for applicant on oath state that the above and foregoing petition is a full, true and correct copy of a petition forwarded to Mansfield, McMurray & Cornish on the 15th day of January 1906 by registered mail, as shown by the receipt of post master therefor which is hereto attached the same being number 286.

Wirt Franklin

Subscribed and sworn to before me this 15th day of January 1906.

(SEAL)

M. G. Bailey
Notary Public.

(Registry Receipt Attached.)

Indorsed:

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Jan. 16, 1906.
Tams Bixby, Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
Muskogee, I. T. February 19, 1906.

In the matter of the application for the enrollment of
Joseph E. Collins as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 16, 1906, by Apple & Franklin, Muskogee, Indian Territory, attorneys for the petitioner, the petition of Miles S. Collins, Sr., on behalf of his minor son, Joseph E. Collins, praying that he be enrolled as a citizen of the Choctaw Nation by reason of being the son of Miles S. Collins, a citizen by intermarriage of the Choctaw Nation, whose name appears upon the final roll of the citizens by intermarriage of the Choctaw Nation approved by the Secretary of the Interior, opposite No. 1182.

February 3, 1906, Miles S. Collins, Fort Smith, Arkansas, Apple & Franklin, Muskogee, Indian Territory, attorneys for the petitioner, and Mansfield, McFurray & Cornish, South McAlester, Indian Territory, attorneys for the Choctaw and Chickasaw Nations, were advised that the Commissioner to the Five Civilized Tribes would, at his office at Muskogee, Indian Territory, on Monday, February 19, 1906, at 10 o'clock A. M., hear such testimony and receive such other evidence as might be presented by the petitioner in support of his application for enrollment as a citizen of the Choctaw Nation and by the attorneys for the Choctaw and Chickasaw Nations.

Now on this 19th day of February, 1906, at 10 o'clock A. M. this cause being called for hearing in conformity with the notices to the petitioner, his attorneys and the attorneys for the Choctaw and Chickasaw Nations, the following appearances were entered and proceedings had:

APPEARANCES:

Wirt Franklin, of Apple & Franklin, attorneys for the petitioner.

G. Rosenwinkel, of Mansfield, McFurray & Cornish, appearing on behalf of the Choctaw and Chickasaw Nations.

By Mr. Franklin:

I have to request that this case be continued to some date set by the Commissioner at his convenience. Would suggest that the case be set in two or three weeks, for the reason that Miles S. Collins, Sr., the father of this minor applicant, slipped and fell on the ice and broke one of his ribs; he is now confined to his bed and therefore unable to appear at this time.

By Mr. Rosenwinkel:

I think that these matters are addressed to the Commission and yet it seems to me that these cases are drifting and taking the same course as heretofore and I think the Commission ought to require some sort of a showing. I am not saying this because I have any doubts as to what Mr. Franklin is saying in regard to his client. It seems that out of 15 or 20 cases set for today and tomorrow, all but two or three are continued.

By the Commissioner:

Further hearing in this case will be continued upon request of attorney for petitioner until Monday, April 2, 1906, at 9 o'clock A. M., at the office of the Commissioner at Muskogee, Indian Territory.

Olga Petroff, a stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she correctly reported the proceedings had in the above entitled cause, and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Olga Petroff

Subscribed and sworn to before me this 21st day of February, 1906.

Hyman White
Notary Public.

7-D-251.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Joseph E. Collins as a citizen of the Choctaw Nation.

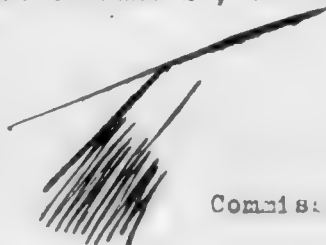
D E C I S I O N.

It appears from the census card record in this case that on December 18, 1902, application was made to the Commission to the Five Civilized Tribes for the enrollment of Joseph E. Collins as a citizen of the Choctaw Nation.

It appears from the record herein that under the regulations adopted by the Commission to the Five Civilized Tribes of January 2, 1906, there was filed on January 16, 1906, by Apple & Franklin, of Muskogee, Indian Territory, attorneys for the petitioner, a petition praying that the applicant, Joseph E. Collins, be enrolled as a citizen of the Choctaw Nation.

The evidence in this case shows that the applicant is the son of Miles S. Collins, a white man, whose name appears as number 1182 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior November 16, 1904, and Lena Collins, a non-citizen white woman.

I am, therefore, of the opinion that following the ruling of the Department of April 24, 1906, in the case of Mary Elizabeth Martin, the application made for the enrollment of Joseph E. Collins as a citizen of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

W. P.

7-D-251

Muskogee, Indian Territory, June 19, 1906.

Miles S. Collins,

Spiro, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 19, 1906, denying the application made for the enrollment of Joseph E. Collins as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED -

Registered.

Commissioner.

Incl. 7-D-251.

7-P-251

Muskogee, Indian Territory, June 19, 1906.

COPY

Apple & Franklin,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes rendered June 19, 1906, denying the application for the enrollment of Joseph M. Collins as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Registered.

Commissioner.

Incl. 7-P-251.

7-D-251

Muskogee, Indian Territory, June 19, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 19, 1906, denying the application for the enrollment of Joseph E. Collins as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Samuel P. Carter
Commissioner.

Incl. 7-D-251

Mustoses, Indian Territory, June 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application for the enrollment of Joseph E. Collins as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated June 19, 1906, denying said application.

Respectfully,

Commissioner.

2 Incl. 7-D-251

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FILE

I.T.D. 2632, 2672, 2740, 2960, 3264-1907.

3296, 3304, 3336, 3374, 3384, "

3394, 3418, 3446, 3482, 3480, "

3482, 3530, 3546, 3584, 3580, "

3568, 3570, 3572, 3602, 3552, "

LRS 3880, 3894, 3912, 3982, 4042, "

4054, 4112, 4116, 4146, 4194, "

4200, 4230, 4238, 4240, 4242, "

4256, 4294, 4310, 4312, "

February 26, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir :

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

Title of Case.

Date of your letter of transmittal.

Joseph E. Collins,	June 19, 1906
James B. Burnes, et al.,	June 19, 1906
Fannie M. Falconer, et al.,	June 19, 1906
Jessye Joe Turner,	June 19, 1906
Thomas Woods,	December 19, 1906
Licta Benson,	November 6, 1906
Amy M. Hancock, et al.,	November 15, 1906
Daisy Crockett Coleman, et al.,	September 28, 1906
Harry Guieu,	October 2, 1906
Lucinda M. Monks, et al.,	November 13, 1906
Agnes Irene Coleman, et al.,	December 20, 1906
Lillie May Pate, et al.,	December 20, 1906
Rutha Ann Ferguson,	December 20, 1906
Dovie Adline Goforth,	December 20, 1906
Andrew J. Ollar, et al.,	November 15, 1906
Nellie C. Blakely, et al.,	November 14, 1906.

Title of Case.	Date of your letter of transmittal.
Overton Martin Bonds, et al.,	January 14, 1907
John Lee Hunt,	December 20, 1906
Kathleen Lockett,	January 12, 1907
Thomas Rudolph Hamlin,	December 20, 1906
Mamie Dunagan,	January 12, 1907
William A. Gardner,	December 20, 1906
Sophia C. Harris, et al.,	December 20, 1906
Jesse Monroe Jones,	January 12, 1907
Bertie Cotton, et al.,	October 4, 1906
Maggie Irene Staloup,	November 22, 1906
L. Everett Parke, et al.,	November 22, 1906
Ella Florence Cochran,	October 2, 1906
Cleo Irene Cummings, et al.,	December 26, 1906
Tilden J. Smith,	November 21, 1906
Jewell Merryman,	November 21, 1906
Jim Costilow, et al.,	December 21, 1906
Lettie May Hickman, et al.,	December 24, 1906
Rue Colbert, et al.,	December 21, 1906
Matilda Florence,	June 20, 1906
Mary Jane Fulson, et al.,	June 18, 1906
Lee Keck, et al.,	October 20, 1906
Magnolia Thompson,	November 21, 1906
John Hardy Sterling, et al.,	November 23, 1906
James Maberry Morse, Jr.,	January 16, 1907
James G. Shaw,	November 21, 1906
Sallie Engleman, et al.,	January 16, 1907
Fannie Pearl Beagles, et al.,	December 21, 1906
Thomas A. Fitzgerald (Jr.)	December 21, 1906

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

44 inc. and
92 for Ind. Of.

AFMc
2-27-07

DEPARTMENT OF THE INTERIOR .
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

February 5, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby dated June 19, 1906, relative to the application for the enrollment of Joseph E. Collins as a citizen of the Choctaw Nation, including the decision of the Commissioner, dated June 19, 1906, denying the application.

It appears from the record herein that on December 18, 1902, application was made to the Commission to the Five Civilized Tribes for the enrollment of Joseph E. Collins as above. The applicant claims the right to enrollment by reason of being the minor son of Miles S. Collins, a white man, who has been enrolled as a citizen by intermarriage of the Choctaw Nation, and Lena Collins, a non-citizen white woman.

Under the provisions of the Act of June 21, 1906 (34 Stat. L., 325), and in accordance with the Departmental ruling in the case of William Jesse Bacon (I.T.D. 2548-1906), the applicant, being a minor with no Indian blood, is not entitled to enrollment, and it is recommended that the application be denied.

Very Respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-KH

7-D-251.

Muskogee, Indian Territory, April 5, 1907.

Miles S. Collins,

Spiro, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 19, 1906, denying the application made for the enrollment of Joseph E. Collins as a citizen of the Choctaw Nation.

Respectfully,

C. B. Rodgers.

Acting Commissioner.

7-D-251.

Muskogee, Indian Territory, April 5, 1907.

S. A. Apple,

Attorney at law,

Aremore, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 19, 1906, denying the application for the enrollment of Joseph E. Collins as a citizen of the Choctaw Nation.

Respectfully,

Acting Commissioner.

7-D-251.

Muskogee, Indian Territory, April 5, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 19, 1906, denying the application for the enrollment of Joseph E. Collins as a citizen of the Choctaw Nation.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, December 29, 1902.

Miles S. Collins, Sr.,

Fort Smith, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Joseph E. Collins, minor son of Miles S. Collins, Sr., and Lena Collins, born March 7, 1897; and the same is herewith returned to you.

The mother of this child being dead, it will be necessary for you to supply the Commission with the affidavits of two disinterested parties who know of the birth of this child and the fact that it is still living, in lieu of the affidavit of the mother.

For the purpose of assisting you in the matter, there are herewith enclosed two blank forms for such affidavits, which you are requested to have correctly executed and returned at your earliest convenience, together with the application for the enrollment of your child, when the matter will have further consideration.

Respectfully,

Enc B I 120.

Acting Chairman.

Wuskogee, Indian Territory. January 31, 1903.

Wiles S. Collins,

Fort Smith, Arkansas.

Dear Sir:

It appears from the records of the Commission that on December 13, 1902, you appeared in person before the Commission at Wister, Indian Territory, and made application for the enrollment of your minor child, Joseph E. Collins, as a citizen of the Choctaw Nation.

Receipt is hereby acknowledged of the affidavits of Fagan Bourland, Sallie Martin and T.L. Hedgecock relative to the birth of said child March 7, 1897; and the same have been duly filed with the records of the Commission as evidence of birth of Joseph E. Collins.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHE

I.T.D. 2632, 2672, 2740, 2960, 3264-1907.

3296, 3304, 3336, 3374, 3384, "

3394, 3418, 3446, 3452, 3480, "

3482, 3530, 3546, 3554, 3560, "

3562, 3570, 3572, 3602, 3652, "

LRS 3880, 3894, 3912, 3982, 4042, "

4054, 4112, 4116, 4148, 4194, "

4200, 4230, 4238, 4240, 4242, "

4256, 4294, 4310, 4312, "

February 26, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir :

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

Title of Case.	Date of your letter of transmittal.
Joseph E. Collins,	June 19, 1906
James B. Burnes, et al.,	June 19, 1906
Fannie M. Falconer et al.,	June 19, 1906
Jessie Joe Turner,	June 19, 1906
Thomas Woods,	December 19, 1906
Licta Benson,	November 6, 1906
Amy M. Hancock, et al.,	November 15, 1906
Daisy Crockett Coleman, et al.,	September 28, 1906
Harry Guion,	October 2, 1906
Lucinda M. Monks, et al.,	November 13, 1906
Agnes Irene Coleman, et al.,	December 20, 1906
Lillie May Pate, et al.,	December 20, 1906
Rutha Ann Ferguson,	December 20, 1906
Dovie Adline Goforth,	December 20, 1906
Andrew J. Ollar, et al.,	November 15, 1906
Nellie C. Blakely, et al.,	November 14, 1906.

Title of Case.	Date of your letter of transmittal.
Overton Martin Bonds, et al.,	January 14, 1907
John Lee Hunt,	December 20, 1906
Kathleen Lockett,	January 12, 1907
Thomas Rudolph Hamlin,	December 20, 1906
Mamie Dunagan,	January 12, 1907
William A. Gardner,	December 20, 1906
Sophia C. Harris, et al.,	December 20, 1906
Jesse Monroe Jones,	January 12, 1907
Bertie Cotton, et al.,	October 4, 1906
Maggie Irene Staloup,	November 22, 1906
L. Everet Parke, et al.,	November 22, 1906
Ella Florence Cochran,	October 2, 1906
Cleo Irene Cummings, et al.,	December 26, 1906
Tilden J. Smith,	November 21, 1906
Jewell Verryman,	November 21, 1906
Jim Costilow, et al.,	December 21, 1906
Nettie May Pickman, et al.,	December 24, 1906
Rue Colbert, et al.,	December 21, 1906
Matilda Florence,	June 20, 1906
Mary Jane Fulsom, et al.,	June 18, 1906
Lee Keck, et al.,	October 20, 1906
Magnolia Thompson,	November 21, 1906
John Hard, Sterling, et al.,	November 23, 1906
James Maberry Morse, Jr.,	January 16, 1907
James G. Shaw,	November 21, 1906
Sallie Engleman, et al.,	January 16, 1907
Fannie Pearl Beagles, et al.,	December 21, 1906
Thomas A. Fitzgerald (Jr.)	December 21, 1906

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

44 inc. and
92 for Ind. Of.

ATMc
2-27-07

LAND
52791-1906

--Copy--

DEPARTMENT OF THE INTERIOR .
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

February 5, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby dated June 19, 1906, relative to the application for the enrollment of Joseph E. Collins as a citizen of the Choctaw Nation, including the decision of the Commissioner, dated June 19, 1906, denying the application.

It appears from the record herein that on December 18, 1902, application was made to the Commission to the Five Civilized Tribes for the enrollment of Joseph E. Collins as above. The applicant claims the right to enrollment by reason of being the minor son of Miles S. Collins, a white man, who has been enrolled as a citizen by intermarriage of the Choctaw Nation, and Lena Collins, a non-citizen white woman.

Under the provisions of the Act of June 21, 1906 (34 Stat. L., 325), and in accordance with the Departmental ruling in the case of William Jesse Bacon (I.T.D. 2548-1906), the applicant, being a minor with no Indian blood, is not entitled to enrollment, and it is recommended that the application be denied.

Very Respectfully,

C. F. Larrabee,
Acting Commissioner.

AJW-EH

United States of America,
Indian Territory,
Central District.

I, Alice Jones on oath state that
I was acquainted with Lena Collins, who was a citizen of the
United States and the lawful wife of Miles S. Collins, Sr.
who is a citizen by marriage of the Choctaw Nation: that a
male child was born to her on the 7th. day of March 1896:
that said child has been named Joseph E. Collins and was
living March 4th. 1906.

Alice Jones
Subscribed and sworn to before me this 21st. day of May 1906.

J. H. Windsor

Notary Public.

My Commission expires October 10th. 1908.

A

NEW BORN

#1093,

189

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 26, 1906.

Joseph E. Collins.....

as a citizen of

Choctaw..... Nation.

Approved..... 190...

Commissioner.

Born March 7, 1896

ACT OF CONGRESS APPROVED APRIL 26, 1906.

JUN 1 - 1906

CHOCTAW

RECEIVED
MAY 23 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Joseph E. Collins, born on the 7th day of March, 1896.
Name of Father: Miles S. Collins, Sr., a citizen of the Choctaw Nation.
Name of Mother: Lena Collins, dec'd., a citizen of the United States Nation.
Tribal enrollment of father: Tribal enrollment of mother:
Postoffice: Spiro, I. T.

AFFIDAVIT OF ~~two~~ two disinterested witnesses.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, John Taylor, on oath state that ~~we~~ I was acquainted
with Lena Collins, who was of the United States and Nation;
that ~~I am~~ the lawful wife of Miles S. Collins, Sr., who is a citizen, by
marriage, of the Choctaw Nation; that a male child was
born to ~~me~~ her on 7th day of March, 1896; that said child has been named
Joseph E. Collins and was living March 4, 1906.

John Taylor

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 21st day of May, 1906.

Jos. J. Ranton
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, J. L. Hedgecock, a Physician, on oath state that I
attended on Lena Collins, dec'd., wife of Miles S. Collins, Sr.
on the 7th day of March, 1896; that there was born to her on said date a male
child; that said child was living March 4, 1906, and is said to have been named Joseph E. Collins.

J. L. Hedgecock M.D.

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 21st day of May, 1906.

J. L. Lewis
Notary Public.

--Copy--

REFER IN REPLY TO THE FOLLOWING:

LAND
52791-1906

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 5, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated June 19, 1906, relative to the application for the enrollment of Joseph E. Collins as a citizen of the Choctaw Nation, including the decision of the Commissioner, dated June 19, 1906, denying the application.

It appears from the record herein that on December 18, 1902, application was made to the Commission to the Five Civilized Tribes for the enrollment of Joseph E. Collins as above. The applicant claims the right to enrollment by reason of being the minor son of Miles S. Collins, a white man, who has been enrolled as a citizen by intermarriage of the Choctaw Nation, and Lena Collins, a non-citizen white woman.

Under the provisions of the Act of June 21, 1906 (34 Stat.L., 325), and in accordance with the Departmental ruling in the case of William Jesse Bacon (I.T.D. 2548-1906), the applicant, being a minor with no Indian blood, is not entitled to enrollment, and it is recommended that the application be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH

D252

~~_____~~ 2nd

Wm. W. W.

and I referred to Charta
and so on

D253

Lyons Woods

Transferred to Choc.
#2784 Jan. 28-1905

CHOCTAW

2541

William H. Wilson

Transferred to. Choct.
#5884 Jan. 28-1905

^D
D-255
Isaac A. Jacobs

Record transferred to
GEO. T. A. #5820.

Choc 0256 Mitchell C. Adams

0256

D 251

Mitchell C. Adams et al.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

April 15, 1905. Remanded by Secty. of Interior
for re-hearing and re-adjudication.

Oct. 31, 1905. Returned to Department
with report.

Jan. 13, 1906. Decision of Commission of Land, 19. 1905 affirmed
by Secty. of Interior.

AC BY
SEC. 1002

JAN 19 1906

FOR THE DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

JAN 24 1906

March 3, 1906 Department adheres to decision of
Jan. 13, 1906.
March 14, 1906. Applicant's attorney notified (over)

June 9, 1906. Motion to return the
remains forwarded by
Dept. for report and
recommendation.

June 21, 1906. Report rendered
recommending denial of motion.

March 2, 1907 Identified
by Dept. as Miss Choctaw
and transferred to
Identified Miss Choctaw
card No. 916.

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the identification of Mitchell C. Adams et al. as Mississippi Choctaws.

-----000-----

It appears from the record herein that on January 19, 1905, the Commission to the Five Civilized Tribes rendered a decision in the case of Mitchell C. Adams et al, D-256, denying the applications for enrollment of Mitchell C. Adams, Lillie M. Adams, Nora M. Adams and Mitchell C. Adams, Jr. as citizens by blood, and for the enrollment of Mammie C. Adams as a citizen by intermarriage of the Choctaw Nation.

That, on April 15, 1905 (I T D 1312-1905), the Acting Secretary of the Interior rendered a decision in the above entitled and numbered case remanding same to the said Commission for a rehearing and readjudication of the applicants rights therein upon the merits, without reference to any decision under the Act of June 10, 1896.

That on October 21, 1905, the Commissioner to the Five Civilized Tribes returned the remanded record in said case to the Secretary of the Interior, together with a copy of the additional proceedings had under said Departmental instructions of April 15, 1905, and recommended that the decision of the Commission to the Five Civilized Tribes of January 19, 1905, be affirmed.

That on January 13, 1906 (I T D 1312, 18094-1905), the First Assistant Secretary of the Interior rendered a decision in the above entitled and numbered case affirming the

decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, denying the application of Mitchell C. Adams for the enrollment of himself and minor children, Lillie M. Adams, Nora M. Adams and Mitchell C. Adams, Jr., as citizens by blood, and for the enrollment of his wife as a citizen by intermarriage of the Choctaw Nation.

That on June 9, 1906 (I T D 18094-1905,6273-1906), the Assistant Secretary of the Interior enclosed, for report and recommendation to the Commissioner to the Five Civilized Tribes, a motion to reopen and reconsider the Departmental decision of January 13, 1906, affirming the decision of the Commission to the Five Civilized Tribes dated January 19, 1905.

That on July 5, 1906, the Commissioner to the Five Civilized Tribes rendered a report to the Secretary of the Interior on the motion for rehearing so enclosed by Departmental letter, dated June 9, 1906, and recommended that same be denied, and that the original decision of the Commission to the Five Civilized Tribes, of January 19, 1905, be adhered to.

That on March 3, 1907, the Commissioner to the Five Civilized Tribes received a telegram, dated March 2, 1907, signed A. F. McGarr, who is an employe of the Commissioner to the Five Civilized Tribes now stationed in the office of the Secretary of the Interior, stating that the decision of the Commissioner in said case had been reversed, and directing the identification, as Mississippi Choctaws, of Mitchell C. Adams and his children Lillie M., Nora M. and William C. Adams, the latter having been disclosed by the testimony submitted September 30, 1905, as having been born May 29, 1902.

It is, therefore, the opinion of the Commissioner that, in accordance with the direction of the Secretary of the Interior, dated March 3, 1907, the said Mitchell C. Adams, Lillie M. Adams, Nora M. Adams and William C. Adams should be identified as Mississippi Choctaws, and it is so ordered.

DECEMBER 1907 *Trans. B. Co.*

Commissioner.

Muskogee, Indian Territory,

March 8 1907

1871

Recd & assigned to
Charles W. Smith

CHOCTAW D 258

Christopher C. Dunlap

*Record transferred to
Choctaw card # 2955-*

CHOCTAW.

D. 259

Elta J. Folrom, et al.

Record Transferred to
Choctaw card # 3792.

8.200

Thomas L. Lucas

Record transferred to Chart
card # 56-7

D. 261.

Auderson Hallaby, et al.

FOR THE REQUISITION AS

RECEIVED BY C. A. # 8 11

S 202

Tom Stallaby

RECEIVED AS
ANNUAL REPORT OCTAW.

REF TO M.C.R. #6100

Choc D263 Lorena A. McCarty

Dismissed Aug 31, 1904

D263

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----O-----

Record in the matter of the application for enrollment
as a citizen by intermarriage of the Choctaw Nation of:

Lorena A. McCarty,

7-D-263.

-----O-----

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Lorena A. McCarty for the enrollment of herself as an intermarried citizen of the Choctaw Nation, and for the enrollment of her minor child, Dewey O. McCarty as a citizen by blood of the Choctaw Nation.

---D 263---

On the 28th day of February, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Lorena A. McCarty and Dewey O. McCarty for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 7th day of April, 1902, for final consideration.

Now, on this 7th day of April, 1902, this cause coming on to be heard pursuant to said notice, the following appearances were made:

A P P E A R A N C E S :

The applicants appears by J.G. : Mansfield , McMurray & Cornish,
Rails, their attorney. : attorneys for the Choctaw and
: Chickasaw Nations.

S T A T E M E N T B Y C O U N S E L :

MR RAILS: We will submit the case upon the record.

MR CORNISH: We have nothing to offer.

THE COMMISSION: This case will be considered by the Commission
upon the evidence and record as now made up.

Harry C. Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 7th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen
Subscribed and sworn to before me this 9th day of April, 1902.

[Signature]
Notary Public.

Muskogee, Indian Territory, February 28, 1902.

Lorena A. McCarty,

Wilburton, Indian Territory,

You are hereby notified that the application for enrollment of yourself and your child, Dewey O. McCarty, as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 7th day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. E. Needles.

Register.

Commissioner in Charge.

163
Commission to the Five Civilized Tribes,
Red Oak, Indian Territory.

In the enrollment of Lorena Alice McCarty as intermarried
Choctaw; being sworn and examined by C. M. McKennon she testifies:

Q What is your name? A Lorena Alice McCarty.

Q How old are you? A I am nineteen.

Q This certificate shows that you were married to Jon McCarty
is it? A Yes sir.

Q On the 28th day of November, 1897, under a license issued by
the Clerk of the United States Court November 22nd, 1897; you were
married to him under this license? A Yes sir.

Q Was he a Choctaw citizen? A Yes sir.

Q (Maytubby) Was he Choctaw by blood? A Yes sir.

Q Was this after he was admitted by the Court? A Yes sir.

Q He was admitted by the United States Court at South McAlester
was he? A Yes sir.

Q How long did you live with him? A Fourteen months.

Q You are separated from him? A Yes sir.

Q Are you divorced from him or is he divorced from you? A
A No sir, neither one.

Q Where is he living? A I reckon he is at Coalgate; that's
where he stays part of the time.

Q Did you leave him or did he leave you? A He left me.

Q Where? A Not very far from Coalgate.

Q You know any reason why? A He came home, said he was going
to leave and left then.

Q That all there was of it? A Yes sir.

Q He didn't tell you why? A No sir, he come home and said
he was going to leave, and I told him to, and he promised to leave,
said he was going to leave.

Q Where are you living now? A Wilberton.

(Lorena Alice McCarty #2)

Q You have one child by him?

A Yes sir.

Q He has not been enrolled by this Commission has he?

A No sir.

Department of the Interior,

Washington, D. C.

I hereby certify, upon my official oath as
stenographer to above named Commission that this
manuscript is a true, full and correct translation of
my stenographic notes.

M. D. Green

725263

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 7 1900



ACTING CHAIRMAN.

No.

#59

E. E. McCarly

versus

Charles M. Nation

COPY OF ORDER OF COURT.

....., Clerk,

By

....., Deputy.

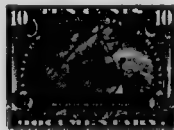
United States of America,

INDIAN TERRITORY.

DISTRICT.

I, E. J. Tamm, Clerk of the District Court of the United States for
the Cadmus District of the Indian Territory, do hereby certify the foregoing to be a true
copy of an order made by said Court on the 26th day of August, 1898, as
appears from the records of said Court now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, at my office in San Carlos, in
said District, this 27 day of November, A. D. 1898



E. J. Tamm, Clerk,
By Imadoge, Deputy.

No 51

12/18 Aloka
Booth 7
26 ~~Thmin~~
AND Raha

MARRIAGE LICENSE.

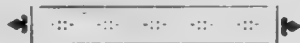


UNITED STATES OF AMERICA, }
INDIAN TERRITORY. } ss.
Central Judicial District,

You are hereby commanded to solemnize the Rite and Publish the Banns of Matrimony between Mr. *Sam M. Carley*

in the Indian Territory, aged *22* of *Coalgate* years and
Mrs *Lorena Alice Roberts* of *Coalgate* years and
in the Indian Territory, aged *17* years,
according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official Seal this *24* day of *November*
A. D. 189*7*
BY *J. J. Spurr* CLERK OF THE U. S. COURT.
J. A. Hobbs DEPUTY.



CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. } ss.
CENTRAL JUDICIAL DISTRICT.

do hereby certify, that on the *17* day of *October* A. D. 189*7*
I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the banns of Matrimony between the parties therein named.

Witness my hand this *24* day of *November*
A. D. 189*7*

My credentials are recorded in the office of the Clerk of the UNITED STATES Court in the Indian Territory Central Judicial District Book *12* Page *15*

A. J. Hobbs

NOTE: This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Indian Territory, from where it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100).

IN RE

Application for Enrollment of
INFANT CHILD.

Dwight D. M. & Co.
As a citizen of the

Nation.

Approved

1

Commissioner.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Chickasaw* Nation,
of *Shelby*, born on the *11* day of *March*, 18*70*.
Name of father: *Louisa M. Gentry*, a citizen of the *Chickasaw* Nation.
Name of mother: *Louisa G. Mc Gentry*, a citizen of the *Chickasaw* Nation.
Post Office: *Shelby*.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, *Louisa G. Mc Gentry*, on oath, state that I am *20* years of age and a citizen, by *Marriage*, of the *Chickasaw* Nation; that I am the lawful wife of *Louisa M. Gentry*, who is a citizen, by *Descent*, of the *Chickasaw* Nation; that a *boy* child was born to me on the *11* day of *March*, 18*70*; that said child has been named *Louisa G. Mc Gentry*, and is now living.

Subscribed and sworn to before me this *28* day of *November*, 18*70*.

J. T. Lee
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, _____, a _____, on oath, state that I attended on Mrs. _____, wife of _____, on the _____ day of _____, 18*70*; that there was born to her on said date a _____ child; that said child is now living and is said to have been named _____.

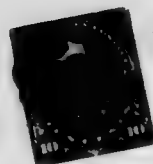
Subscribed and sworn to before me this _____ day of _____, 18*70*.

Notary Public.

Dec 26th 1890
at 6 P.M.

601

Buy 319



Lorena A. McCarty

K. 1

Kilbourn

Ind. Sep.

South McAlester, Ind. Ter., November 10, 1900.

Lorena A., and Dewey C. McCarty,

Wilburton, Ind. Terr.

You are hereby advised, in compliance with the direction of the Commission to the Five Civilized Tribes that the Choctaw and Chickasaw Nations object to your enrollment upon the ground of

Non compliance with intermarriage laws.

and that such testimony as may be necessary on behalf of the Choctaw and Chickasaw Nations will be taken at an appointment of the said Commission to the Five Civilized Tribes at Atoka, Indian Territory, beginning December 3, 1900.

THE CHOCTAW AND CHICKASAW NATIONS.

By Mansfield, McMurray & Cornish, Attorneys.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muscogee, Indian Territory,

August 18th, 1900.

Lorena A. McCarty,

Wilburton, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-266.

Commission to the Five Civilized Tribes.
Red Oak, Indian Territory.
June 21st, 1899.

-----oOo-----

In the enrollment of Lorena Alice McCarty, as an intermarried Choctaw; being sworn and examined by Com'r. McKennon she testifies;

- Q. What is your name? Lorena Alice McCarty.
Q. How old are you? I am nineteen.
Q. This certificate shows that you were married to Lon McCarty is it? Yes sir.
Q. On the 28th day of November, 1897, under a license issued by the clerk of the United States Court, November 22d, 1897; you were married to him under this license? Yes sir.
Q. Was he a Choctaw citizen? Yes sir.
Q. (Maytubby) Was he Choctaw by blood? Yes sir.
Q. Was this after he was admitted by the Court? Yes sir.
Q. He was admitted by the United States Court at South McAlester was he? Yes sir.
Q. How long did you live with him? Fourteen months.
Q. You are separated from him? Yes sir.
Q. Are you divorced from him or is he divorced from you? No sir; neither one.
Q. Where is he living? I reckon he is at Coalgate; that's where he stays part of the time.
Q. Did you leave him or did he leave you? He left me.
Q. Where? Not very far from Coalgate.
Q. You know any reason why? He came home, said he was going to leave and left then.
Q. That all there was of it? Yes sir.
Q. He didn't tell you why? No sir, he come home and said he was going to leave, and I told him to, and he promised to leave, said he was going to leave.
Q. Where are you living now? Wilburton.
Q. You have one child by him? Yes sir.
Q. He has not been enrolled by this Commission has he? No sir.

In the Matter of

Enrollment of

Lorena A. M. C. C.

Denny, Me.

Indian Territory

Central District (S.S.)

Lorena W. McBarly, the person
asking to be admitted as a citizen
of the Indian Territory so to be taken
up at Fort A. S. T. on Dec 31, 1900. And after being by
me first duly sworn, by her to
submit to your Hon. Commission
in support of said application the
following:- That my name is Lorena
Alice McBarly, and that I am 20 -
years of age, and am wife of Lon.
McBarly, as shown by the marriage
license, (a certified copy of which is
herewith filed and made a part of
this Affidavit.) That I lived with
the said Lon McBarly until June 4,
1899, ^{when} he left me, near Craigale, S.T. where
we lived during the fourteen months
that we lived together. I then went to
live with my Parents who are now
living at Wilburton, S.T. The cause of
her leaving was because he wanted to go
in all kinds of conspiracy and we could not
leave. We have never been divorced.

To the Marriage we have one
child named O. McBarly.
Two years of age and now living

No. 2.

with me at Milton, S.T. and not
enrolled we were married under the
laws of the United States and Mr
McCarthy as appearing in said
license as Lon which was only a
nickname that he was called by
those who knew him and his
real name to my own knowledge was
Lonnin as appears in the certified
copy of Order of Court hereto attached
and further affirms & says the same.

I, ^{S. E.} Lorena S. McCarthy

Subscribed to and attested
before me this day 1900

^{S. E.} J. P. R.

Notary Public

My com. Expires Jan 24 1904

Indian Territory } ss.
Central District

I further support of
the application of Louisa i.e.
and her Minor Son James
McCarty we beg to submit to your
Hon. Commission the statement
of B. Q. Roberts. The being first
by one duly sworn states that
he is a citizen of the United States
and has been a resident of Choctaw
Nation for more than twelve years
past that Louisa i.e. McCarty is
his daughter who has also been a
resident of the said nation as
aforesaid. That he knew her McCarty
during the time that he lived
with her daughter at Coalgate I.S.
and knew something of the cause
of separation. Witness further states that
Name Lou as appears in the Marriage License
and the Name Lou as appears in
the copy of the Order of the Court
is one and the same and
that Lou was only a nickname so
called by those who knew him
and Lou as was his real name.

Witness my hand and seal this 11th day of

Affiant further states that the said
 Lon McCarty was of a bad disposition
 and abusive during the term of
 the marriage he had been married
 to for many years and not only being
 violent but also a bad man, but for
 others to see.

He wanted to go to a little house
 out of the way place and take
 in Katy Brown to be his wife
 he of a bad disposition and at 20
 reported and my daughter started
 to live with him if he would
 have any more to do with her
 people he at that time was in

the house and did not
 to be a man and did not
 two or three times and could not
 it, daughter tried to prevent him
 to do better but would not
 more at her and go on with
 his manner.

Affiant further states that the
 the same time there was an
 child born David O'Brien
 to the wife of age and he was
 the mother was never married,
 then home with me at

Wellington, N.Y. to the same.

No. 4

been divorced

and further Affiant say under

{Seal}

E N Roberts

Sworn to and submitted to

the 28th day of Nov, 1900

{Seal} J. P. C.

Notary Public

My Comm. Exp. Jan 24 1904

Indian Territory { ss:-
Central District

In further support of the application of Lorena A Mc Carthy and her minor son Dewey O Mc Carthy we by leave to submit to your Hon. Commission the Affidavit of Mrs M B Roberts who being first by the duly sworn states that she is a citizen of the United States and the wife of E N Roberts whose affidavit is herewith attached and that she has been a resident of the Cherokee Nation with her said husband for more than Twelve Years past and that if now deceased, is her legal wife and has also been a resident of the said Nation as aforesaid

That she is acquainted with the said
 John McCarty during the time he
 lived with his daughter & name is
 McCarty and known as
 the separation of the said
 and the said McCarty

That he was a man of bad
 disposition and very abusive to
 his wife That he was arrested
 two or three times during the
 time they lived together for
 carrying and was constantly in
 trouble and getting others in
 trouble. ^{and} The arrested with
 Kelly Burr a man reported to
 be of bad character and other
 of bad habits That he often made
 threats to leave my daughter and
 did leave her two or three times
 and came back before he left
 the road My daughter tried
 to get him to do better but to
 no purpose

Affiant further states that
 to the Marriage was borned
 one child Lucy O McCarty about
 two years of age that they are
 both living still in the same
 home in Stillburton.

Affiant further states that the said Len McCarty was admitted to citizenship of the Choctaw nation as shown by a copy of an order of the Court of Judgment Record No 59 do Court of the nation under the name of Lewis McCarty, being the real name of the said McCarty. and known by me as the same man whose name appears in the Marriage license and the Husband of my daughter Louisa A. McCarty. and the father of the minor son of Lewis C. McCarty the person seeking to be enrolled as citizen of the Choctaw Nation

And that Len is a German that he was called by those who knew him and after signing the name L.

That the said Leona A. McCarty
and Lon McCarty have never
been divorced

and further I say in
Nothing

{ Seal } Mrs. E. A. Roberts

Sworn to and subscribed before
me this 28 day of Jan.

{ Seal } J. P. R. -

My Comm. Exp. Jan 24 1904

Notary Public

Indian Territory

Central District { ss.

And for further support
of the application of the settlement
of Leona A. McCarty, and her
minor son, Dewey C. McCarty, I
hereby submit to you that
I am a member of the

I & A. Roberts being
by me first duly sworn states

that Dewey C. McCarty is a
son of Leona A. McCarty

and further I say in
Nothing

Nothing

charges against him for larceny
and was arrested once for
larceny and had him in charge
as such person

also known to be a
man of bad habits
and that he is a
very bad man

as of J. Schofield

to be a bad man
and a very bad man

J. T. Lee

and a very bad man

Before the Commission sitting at
Wolke, I.S. on 3rd Dec 1900 the matter
of enrollment of Louis McCarty &
Dove, O. McCarty & C. B. McCarty
as the above named persons the
case of interest in the
lands filed by the said persons
following: as shown by the
certified copy of judgment entered
filed bearing date of August 26th
1898 the said Louis McCarty was
admitted to the citizenship of the
Choctaw Nation by said judgment.
At that time being a resident of
the Choctaw Nation, he was not
judgment given all the rights of
said Nation. That on the 22nd of
November 1897 McCarty was
to the same judgment as was
by the marriage & same time
filed, said date being alone
before the granting of the said judgment
admitting the said McCarty to the
ship at the time of the marriage
not required as a citizen of the Choctaw
Nation and it is further shown that
the marriage was not valid at the
date, & that the marriage laws of
said Nation are nothing more than

the law on law marriage and for
square where the man is the wife
now a white woman. I go to
am authorized to marry and he
gives them a certificate of marriage
How recently the law is the
That the marriage has been
solemnized by the law of the
U.S. and appears of record as
shown by the records filed
hence it would be impossible
to have the same done now as
the records show that
he is in the seat and the
whereabouts is not known &
we have no record of him
on that subject neither can
we do him in
again there seems to be a will
discrepancy in the name found
appearing on the face of the record
wherein the marriage license is
issued as Lin. It is possible that
he is not that man and we are
that he was a soldier and that
he came first and then was
the last name. It is possible
that he changed his name after
if you would examine

judgment Record you will find
that it appears that no person is
whose name you have been told
to have but in the title of the
instrument before the Court
it is Lorne which is the name
name you can see how this
could happen in copying said
name

Again the proof is clear
that the said Lorne Mott
is the husband of the said
Lorna A. Mott by lawfully
married under the N. J. laws
and that to the marriage
was born at New York
city yet born in still living
and married under the laws
and under that he is the
wife and son of the said
Lorne Mott and as
such we contend should be
enrolled as a citizen of the
United States &c

Respectfully submitted

W. C. B. 1st 13

Done

7-D-263.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Lorena A. McCarty for enrollment as a citizen by intermarriage of the Choctaw Nation.

-----c-----

The applicant, Lorena A. McCarty, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one Louice (or Louis) McCarty. The right of the applicant's husband, Louice (or Louis) McCarty, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of April 30, 1904, in case No. 29, upon the South McAlester docket of said court, it is hereby ordered that the application of Lorena A. McCarty for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.

Muskogee, Indian Territory,

/

Choctaw D 263

COPY:

Muskogee, Indian Territory, August 31, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered August 31, 1904, dismissing the application of Irene A. McCarty for enrollment as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

SIGNED

Incl. 7-D-263

Chairman.

Choctaw D 263

COPY.

Muskogee, Indian Territory, August 31, 1904.

Lorena A. McCarty,

Wilburton, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 31, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

Tam - Carter

Chairman.

Registered.

Incl. 7-D-263

Choctaw D 263

COPY.

Muskogee, Indian Territory, August 31, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on August 31, 1904, rendered its decision dismissing the application of Lorena A. McCarty for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

Tamc Bixby

Chairman.

Registered.

Muskogee, Indian Territory, October 27, 1900.

C. B. Todd,

Wilburton, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 25th instant in the matter of the protest filed by the representatives of the Choctaw Nation to the enrollment of Lorena A. and Deway O. McCarty as citizens of the Choctaw Nation.

You desire to be informed as to what evidence has been presented in support of their application and what further evidence is necessary, that you may be prepared to take the matter up at the session of the Commission at Atoka, Indian Territory, beginning December 3rd, next.

It appears from the records of the Commission that Mrs. McCarty claims her right to enrollment as an intermarried citizen of the Choctaw Nation through Lon McCarty who she claims was admitted to citizenship in the Choctaw Nation by judgment of the United States Court for the Central District of the Indian Territory but there is no record of any such party ever having appeared before this Commission for enrollment as a citizen of the Choctaw Nation in pursuance of any such judgment.

It further appears that she was married to him in November, 1897 and that they separated in January, 1899.

There is no evidence on file with this Commission as to her marriage to Lon McCarty and the only testimony in support of her application is that given by her at Red Oak, Indian Territory,

C B T "2

January 21st, 1899, a copy of which is enclosed you herewith.

The Commission in the matter of her enrollment will have to be sufficiently advised as to her husband being a citizen of the Choctaw Nation and as to her marriage to him and as to the grounds and facts of their separation.

Yours truly,

Acting Chairman.

7-7-263

Enc 1

Muskogee, Indian Territory, April 25, 1902.

Lorena A. McCarty,

Wilburton, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 22nd instant, referring to our communication of February 28, 1902, advising you that the ~~matter~~ of your application for the enrollment of yourself and your child, Dewey O. McCarty, as citizens of the Choctaw Nation, would be taken up for final consideration by the Commission on April 7, 1902.

You state that this communication did not reach you until the 21st instant and you now desire to be advised as to what action was taken relative to this matter, and if it is necessary for you to take any further steps.

Replying to your communication, you are advised that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on April 7, 1902, the matter of the application of Lorena A. McCarty for the enrollment of herself and her minor child, Dewey O. McCarty, as citizens of the Choctaw Nation was called for final consideration by this Commission.

Mr. J. G. Ralls, Attorney at Law, of Atoka, Indian Territory, appeared in behalf of the applicants, Lorena A. and

L A NoC 2

Dewey O. McGarty, and Mr. Melvin Cornish, of the firm of Mansfield, McMurray & Cornish, represented the Choctaw Nation.

No further procedure was taken in this case and the attorneys for the applicants and for the Choctaw Nation submitted the case upon the evidence and record as now made up.

There is ~~now~~ on file in this case a sufficient record upon which the Commission can determine the rights of yourself and child to enrollment as citizens of the Choctaw Nation and in view of the fact that this case has been submitted by your attorney and by the attorneys for the Choctaw Nation, the Commission will now render its decision as to the enrollment of yourself and your minor child as citizens of the Choctaw Nation.

In the event that such decision is unfavorable to you you will be advised thereof and also notified of the forwarding of the record in the case to the Secretary of the Interior for his review.

Yours truly,

Commissioner in Charge.

7187

IN RE

Application for Enrollment of

INFANT CHILD.

Dwight C. McCarty

As a citizen of the

State of Ohio

Nation.

Approved

1

Commissioner.

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,
of *Denny C. McCarly*, born on the *11th* day of *November*, 1875.
Name of father: *Leon McCarly*, a citizen of the *Choctaw* Nation.
Name of mother: *Lenna A. McCarly*, a citizen of the *Choctaw* Nation.
Post Office: *Willerton I. T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, *Lenna A. McCarly*, on oath, state that I am *19* years of age and a
citizen, by *intermarriage*, of the *Choctaw* Nation; that I am the
lawful wife of *Leon McCarly*, who is a citizen, by *blood*, of the
Choctaw Nation; that a *male* child was born to me on the *11th* day
of *November*, 1898; that said child has been named *Denny C. McCarly*,
and is now living.

Subscribed and sworn to before me this *21* day of *June*, 1899.
Child present

Lenna A. McCarly
[Signature]
Notary Public.
Commissioner

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, _____, a _____, on oath, state that I
attended on Mrs. _____, wife of _____,
on the _____ day of _____, 1899; that there was born to her on said date a _____ child;
that said child is now living and is said to have been named _____.

Subscribed and sworn to before me this _____ day of _____, 1899.

Notary Public.

25

REGISTERED
SEP 1 1904
MUSKOGEE, IND. TER.



29 263

COMMISSIONERS:
TAMM HIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Choctaw D 263

ADDRESS ONLY OF
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 31, 1904.

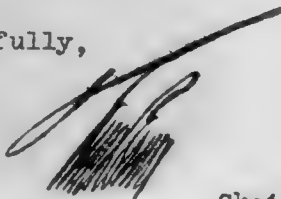
Lorena A. McCarty,

Wilburton, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 31, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,



Chairman.

Registered.

Incl. 7-D-263

2000

William H. Oak

Record transferred to Clacton
card # 5775

S. 205

Henry A. Hawkins

FOR THE EDITION AS
AMENDED BY CHOCTAW.

ENTERED IN C. R. #6101

D. 266

Lorona Dyer, et al.

Record transferred to
Choctaw card # 5642

CHOCTAW D 267

Elonzo W. Gallamore.

Record transferred to
Choctaw card #10.

James H. Doyle.

Record transferred to
Hochman card # 5644

Choc D 269 MARY E. PARNELL
Ada Welsh

D269

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

- - - - -

In the matter of the application for the enrollment as
citizens of the Choctaw Nation of

ADA WILSON, ET AL., 7-D-269,
25- 961

Commission to the Five Civilized Tribes,
Hartsheer, Indian Territory.

In the enrollment of Mary E. Parnell and children as
Choctaw citizens; being sworn and examined by Commissioner
McKennon she testifies as follows:

Mary E. Parnell, forty-four years old.

Q Your present here a certified copy of the record of your
marriage to J. H. Parnell in Scott County Arkansas, on the 18th
day of March, 1872; have you lived continuously with him from t
that time to this? A No, he has just been backwards and for-
wards part of the time, only, part of the time he was on the
p scout ; he was under bond.

Q Did he leave you or did you leave him? A Well he left me
I will tell you.

Q You know for what cause? A Nothing only he just wanted to
live with first one woman and another.

Q How long since you lived with him? A It has been five years
since he was at home.

Q Have you then lived with him any considerable length of time
in the Choctaw Nation? A Yes, oh I have lived with him right
smart while, first and last.

James C. Hulsey being sworn and examined testifies:

Q What is your name? A James C. Hulsey.

Q Are you a Choctaw citizen? A No sir.

Q You are a white man? A Yes sir.

Q Do you know Mrs Parnell here? A I do.

Q How long have you known her? I think it has been about
twenty-eight or nine years.

Q You know her before she was married? A Yes sir.

(Mary E. Parnell-wit: James C. Hulsey #2)

Q You have known her since she was married to him? A Yes sir, pretty much all the time; I haven't seen her now for eight or ten years.

Q What do you know if anything about her relations to her husband. A Well I know as well as a man could without seeing the marriage that she married Parnell.

Q What about her relations to her husband? A Well they separated about twenty years ago, something like about twenty years ago, and he married again, so I understood; anyway he had a woman.

Q Do you know whether he was divorced from her or not?

A No, I do not, no I don't hardly think he was; in them days they didn't pay much attention to divorce; he had two women after he quit her.

Q Do you know anything about the reason of their separation?

A No.

A Do you know of them having lived together any since that time? A Well I don't like to be drawn out so plainly on things; he would go off with his other woman and then come back and stay with her, and so I hardly considered it a separation.

Q How long since he married the other woman?

A Oh right away I think; I don't know whether he married her at all or not.

Now Mary E. Parnell being re-called testifies:

Q How old are your children? A One is seventeen, Ada; 24th of last July she was seventeen. Revilla was fifteen the 24th of last June.

Commission to the Five Civilized Tribes,
Wister, Indian Territory.

In the matter of the enrollment of Mary Parnell and children
as Choctaws. Thomas Nolen being sworn and examined by Com.
McKennon testifies as follows:

(Dukes, Interpreter.)

Q Thomas Nolen sixty-nine years old.

Q (Dukes) Are you acquainted with Haywood Parnell? A Yes sir

Q Lewis) Ask him if he knew a woman named Mary that he mar-
ried? A Says he seen them living together, he don't know any-
thing about their marriage.

Q Ask him how long they have been separated? A Says about
twenty years.

Q Ask him if he knew any children they had before they sep-
arated? A Says just one.

Q What was the name? A Says Robert, and it is dead.

Q Ask him did they have any more children after that time that
he knows of? A He said she had some other children, he don't
know who the father was, but she was living with a white man
named Jack Wise.

Q Ask him if she was married to Jack Wise? A He don't know
whether they were married or not.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

I hereby certify, upon my official oath as stenographer
to above named Commission, that this transcript is a true, full
and correct transmission of my stenographic notes.

M. D. Green.

Commission to the Five Civilized Tribes,
Wister, Indian Territory.

In the matter of the enrollment of Mary Parnell as inter-married Choctaw, and children. Jane Crow being sworn and examined by Commissioner McKenno testifies:

Q What is your name? A Jane Crow.

Q How old are you? A I am fifty-five years old.

Q (Lewis) You are acquainted with Mary Parnell, the one that Haywood first married. A Yes sir.

Q You know how many children she had by Haywood Parnell?

A One.

Q What was the name? A Robert Parnell.

Q He is dead is he? A Yes sir.

Q Who did she marry after Parnell? A Jack Wise a white man.

Q How many children did she have by him? A Six, two of them is dead and she has got four living.

Q Them is all Jack Wise' children? A Yes sir.

Q Jack Wise was your brother? A Yes sir, my brother.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

I hereby certify, upon my official oath as stenographer to the above named Commission, that this transcript is a true, full and correct transcript of my stenographic notes.

E. D. Green.

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the enrollment of Mary E. Parnell as an intermarried Choctaw, and her children as Choctaws, by blood: Richard B. Coleman being sworn and examined by Com'r McKennon States:

Q What is your name? A Richard B. Coleman.

Q How old are you? A Fifty-three.

Examined by Choc Com'r Lewis:

Q You are acquainted with Mary Parnell? A Yes sir.

Q Didn't she employ you as an attorney to try to get her Leased District Money for her? A No sir; she did employ me as an attorney to present her case for enrollment as an intermarried citizen.

Q You didn't succeed in getting her on? A No sir.

Q That was on the Leased District Roll? A No, as an intermarried citizen, before the Dawes Commission. I merely made up her case.

Q Did she send her petition in? A She sent it to Comard, or I did, but Comard never sent it to the Commission.

Q Didn't she tell you something in regard to who was the father of these children she has got there at home?

A I don't know that she did; she told me that she had lived with this man so many years, which would cover the age of the children; that was D Foster; she told me she had lived with him so many years, which would cover the ages of the children.

Q Give us the age of these children as well as you can?

A I suppose the oldest one is right about fifteen, between fifteen and sixteen years, and the next one is, I would judge it to be about twelve, and the next one possibly that is

Mary E. Parnell and children- Richard B. Coleman witness-(2)

ten, and one about eight, I reckon.

Q That is about the ages? A Yes sir.

Q Did she tell you how long she lived with D'Foster?

A Well, about, yes sir.

Q Your recollection is that the time she gave you covered these children? A Yes sir, unless it would be the oldest one. It covered the last three.

Q They are still living together in the same house?

A Yes sir.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green.

Commission to the Five Civilized Tribes/

Talihina, Indian Territory.

In the matter of the enrollment of Larkin and Noah Parnell as Choctaws by blood. Haywood P. Parnell being sworn and examined by Com! McKennon testifies:

Q Your name is Haywood P. Parnell, forty-two years old.

Q You were married to a former wife were you? A Yes sir.

Q What was her name? A Mary Ruddell before I married her.

Q She has two children by you has she? A No, I told that wrong a little while ago, she has only one, one child by me.

Q What's its name? A Robert Parnell.

Q The others were born to her before you married her/ were they? A Yes sir, the other children. But Robert is dead.

Q Then she has none of your children living? A No sir, none at all.

Q (Telle How long since you quit her? A I couldn't exactly tell, I don't know how long, but it has been a good while it has been fifteen or sixteen years.

Q Then any children that she has anywhere near that age are not your children, in fact she has no children of yours living at all? A No sir, she didn't have but one and he is dead.

Q You don't know what her name is now do you? A No sir.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green.

(COPY-DeB)

Choctaw D- 269

Muskegee, Indian Territory, February 23, 1902.

Mary E. Parnell,

South McAlester, Indian Territory.

You are hereby notified that the application for enrollment of yourself and your children, Ada Parnell and Ravilla Parnell, as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskegee, Indian Territory, on the 7th day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles

Commissioner in Charge.

Register.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of
Mary E. Parnell for the enrollment of
herself and her two children, Ada
Welch, and Revilla Parnell, as citi-
zens of the Choctaw Nation.

---D 269---

On the 28th day of February, 1902, the principal appli-
cant was notified by registered mail, and on the 6th day of
March, 1902, the attorneys for the Choctaw and Chickasaw
Nations were notified by registered mail, that the appli-
cation of Mary E. Parnell, Ada Welch and Revilla Parnell for
enrollment as citizens of the Choctaw Nation would be taken
up by the Commission to the Five Civilized Tribes at its
office in Muskogee, Indian Territory, on the 7th day of
April, 1902, for final consideration.

Now, on this 7th day of April, 1902, this cause coming
on to be heard pursuant to said notice, the applicants, being
called, failed to appear either in person or by attorney, and
the Choctaw Nation appeared by its attorneys, Mansfield,
McMurray & Cornish, and submitted this case upon the record.

-----o-----

Harry C. Risteen, being first duly sworn, upon his oath
states: That as stenographer to the Commission to the Five
Civilized Tribes he reported in full all proceedings had in
the above entitled cause on the 7th day of April, 1902,
and that the above and foregoing is a full, true and correct
transcript of his stenographic notes of said proceedings
on said date.

Harry C. Risteen.

Subscribed and sworn to before me this 10th day of
April 1902.

Clara Mitchell Wood,
Notary Public.

SEAL)

Choctaw-2-269.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory,
January 12, 1903.

In the matter of the application of Mary E. DePoister for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of her two minor children, Ada Parnell and Covilla Parnell, as citizens by blood of the Choctaw Nation.

R. B. Coleman, Attorney for Applicants.

Mary E. DePoister being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A DePoister is my present name.
Q Your full name? A The way it is signed is Mary E. DePoister.
Q How do you spell that name? A D-e-P-o-i-s-t-e-r.
Q Is that a capital "P"? A Yes sir.
Q How old are you? A If I ain't mistaken I will be 47 the 30th of next May.
Q What is your post office address? A South McAlester.
Q How long have you resided in the Choctaw Nation? A Ever since '72,— and in the Chickasaw part of the time.
Q You have lived continuously in the Choctaw and Chickasaw Nations since 1872? A Yes sir.
Q Are you a white woman? A Yes sir.
Q Where were you born? A I was borned in Greenwood, Arkansas.
Q Were you born a citizen of the United States? A Yes sir.
Q You are an applicant for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw husband? A J. H. Parnell.
Q Is that J. H. or H. P.— is it not Haywood P. Parnell? A His name is James Haywood; he always signs his name J. H.

Note:—The Choctaw husband of the applicant is Haywood P. Parnell, a citizen by blood of the Choctaw Nation, whose name appears on Choctaw roll card, Roll No. 2120, and upon the Chickasaw roll of the citizens by blood of the Choctaw Nation, No. 2115.

- Q Where were you married to Mr. Parnell? A Haywood is '72.
Q Where were you married? A In Arkansas.
Q How long have you lived in Arkansas at that time? A Yes sir.
Q Where was your husband's home? A In the Choctaw Nation.
Q How long after your marriage did you live with Mr. Parnell as husband and wife? A It has been about 17 years, somewhere along there, I think.
Q Did you live together? How long after you were married did you and Mr. Parnell live together? A We first separated at three years, and then we were back together again, and separated till about 17 years ago,— 17 or 18,— 17 I guess, somewhere along there.

Mary E. DePoister—?

- Q You say you were married to him in 1872? A Yes sir, in '72.
- Q How long did you live together as husband and wife after that marriage until there was a separation? A It was about three years before there was any separation, first.
- Q You lived together three years? A Yes sir, straight.
- Q Did you have any children? A Yes sir.
- Q No many? A We had one when we first separated.
- Q What was its name? A Robert Parnell.
- Q Is he living? A No sir.
- Q Then you separated from your wife in 1875? A It was somewhere—sometimes he was gone two or three weeks and sometimes longer; we came backwards and forwards together until about 17 year ago.
- Q You say you were married in 1872? A Yes sir.
- Q And you lived with him three years? A Yes sir, right about three years.
- Q That would be until 1875; and during those three years you had one child born, Robert Parnell, who is now dead? A Yes sir.
- Q After that separation in 1875 how long was it before you and your husband lived together again? A About two weeks I think.
- Q There had been no separation of any character during the first three years? A I don't know whether it was quite three years or not; it was somewhere along about there; and I think the first separation he was gone about two weeks, the best I remember.
- Q Then how long did you live with him, after your first separation? A Let me see,—about five or six months I reckon it was.
- Q And after that how long did you live together? A Well, we separated so many times I can't tell you exactly every time we did separate; he was gone probably ten or twelve months once.
- Q Did you ever have any other children by him? A Yes sir, two more by him.
- Q What are their names? A Ada Parnell and Rovilla Parnell.
- Q When was Ada born? A If I ain't mistaken she will be twenty-one the 24th day of July, next July.
- Q When was Rovilla born? A Rovilla will be nineteen the 24th day of this month.
- Q Were you ever divorced from J. V. Parnell? A He got a divorce, or claims he did.
- Q When? A About seventeen year ago, sixteen or seventeen, somewhere along about that time.
- Q After the birth of these two children? A Yes sir, probably a year or so.
- Q After these children were born? A Yes sir.
- Q Were you living with this man until he got the divorce? A What time he was at home I was; part of the time he was not at home.
- Q How did Mr. Parnell obtain that divorce? A I think it has been sixteen or seventeen year ago.
- Q Has he remarried since that time? A He is living with a woman; I don't know whether he has married her; it is my understanding.
- Q Have you remarried since that divorce? A I was married in 1900.
- Q Who did you marry? A DePoister.

Mary E DePoister-----3

- Q Is he a white man? A Yes sir.
- Q Did you make application to the Dues Commission in 1896? A Why, 1896,--- that's the time my papers was misplaced.
- Q In 1896 to the Dues Commission when they were receiving applications at Vinita, six years ago? A No, that is when my papers was misplaced somehow.
- Q Didn't your case get into the United States Court at South McAlester? A No indeed; if it has ever been there I never knew anything about it, no sir.

Examination by H. B. Coleman, attorney for applicant:

- Q Now, Mrs. DePoister, how long did you live with Parnell from your marriage until finally you quit altogether? A Until we finally quit?
- Q Yes, whether it was eight, ten or twelve years? A It was,--- it has only been about seventeen year.
- Q About how long did you live with him? A I declare I couldn't tell you exactly; I can't say exactly, Mr. Coleman.
- Q Was it ten, eleven, or thirteen years? A I know when we quit last Novilla was small, about two year old I guess, and she is thirteen now.

By the Commission:

- Q From the time you first separated up until the time Parnell obtained a divorce did you ever live with any other man? A No indeed I did not, no sir. He was backwards and forwards as I told you at the time, and he lived with several women during the time I know; and I am telling you the truth.
- Q Are these children, Ada and Novilla, your own children? A My children? Well sure they are; yes sir, they are my children.
- Q Was Parnell living with you when both of these children were born? A No, he wasn't at the time neither one of them was born.
- Q How do you know about the birth of the children? A Well I guess he did; because at home when Novilla was about two years old, I recall.

By Mr. Coleman:

- Q Are these two children, Novilla and Parnell's children? A They are his children; yes sir, they are his children.
- Q If you can recall, Mrs. Parnell, prior to the time the Dues Commission was holding down their headquarters at Vinita, was all the citizens of the Territory? A I must have been a thick-skulled fellow.
- Q And the answer was one of the commissioners? A I don't remember anything about him.
- Q Now you recalled at that time, or not? A No, I don't remember nothing about it; I must have been to the office at that time; I wasn't enrolled I don't reckon; I know I wasn't in '96; I don't know what year it was.

By the Commission:

- Q Now, when you make your application to the Commission? A Yes sir.

By Mr. Coleman:

- Q Where were you at in '96, do you know, Mrs. Parnell? A I must

Mary E DePoister-----4

- have been in the Chickasaw.
- Q In the Chickasaw Nation? A Yes sir.
- Q How long after you were married in Arkansas until you removed to the Choctaw Nation? A I was married on the 18th day of March and came to the Choctaw Nation on the 19th, that's when I came.
- Q Have you resided in the Choctaw Nation and Chickasaw Nation ever since? A Yes sir.
- Q You have owned farms and rented them without disturbance ever since, have you? A Yes sir, and got permits for people and paid for them.
- Q You have paid for permits for men you had on your farms? A Yes sir, in the Chickasaw and Choctaw both.
- Q You never have been disturbed from exercising all the rights of a citizen, have you? A No sir.
- Q You now own and live on a farm in the Choctaw Nation? A Yes sir.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 12th day of January, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 12 day of January, 1903.

Charles McHenry

Notary Public.

West

(COPY-DeB)

MARRIAGE LICENSE.

No. 1521.

UNITED STATES OF AMERICA,)
The Indian Territory) ss.
Central District.)

To Any Person Authorized by Law to Solemnize Marriage--
Greeting:

You are hereby commanded to solemnize the Rites and
publish the BANS OF MATRIMONY between Mr. S. R. DePoyster
of So.M Calster in the Indian Territory, aged 51 years
and Mrs. Mary E. Parnell of M Calster in the Indian Terri-
tory, aged 45 years, according to law, and do you officially
sign and return this License to the parties therein named.

-----oOo-----

WITNESS My hand and official seal, this 13 day of
September A. D. 1900.

(SEAL) E. J. Fannin
Clerk of the United States Court.
Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,) I, H. B. Milner
Indian Territory.) ss.
Central District.) a Minister

do hereby CERTIFY, that on the 13 day of Sept. A. D. 1900
I did duly and according to law, as commanded in the fore-
going License, solemnize the Rite and publish the BANS
OF MATRIMONY between the parties therein named.

Witness my hand this 13 day of Sept. A. D. 1900.

My credentials are recorded in the office of the Clerk
of the United States Court in the Indian Territory, Central

District, Book B, Page 122.

H. B. Milner,
A Minister.

(U.S.Stamp)

(Endorsed)

No. 1521
CERTIFICATE OF RECORD OF MARRIAGES.

UNITED STATES OF AMERICA	}	SOT.
THE INDIAN TERRITORY		
CENTRAL DISTRICT.		

I, E. J. FANNIN, Clerk of the United States Court in the Indian Territory and District aforesaid, do hereby CERTIFY, that the License for and Certificate of the Marriage of Mr. S. R. DePeyster and Mrs. Mary E. Parnell was filed in my office in said Territory and District the 14 day of Sept. A. D., 1900 and duly recorded in Book 9 of Marriage Record, Page 156.

WITNESS my hand and seal of said Court, at South McAlester, this day of Sep 26 1900 A. D.

E. J. Fannin,
Clerk.

By Wm. P. Freeman: : Deputy.

(U.S.Stamp)

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES!
F I L E D

JAN 12 1903.

Tams Bixby, Acting Chairman.

(COPY-DeB)

Affidavit of James M. Miller.

Comes now the Affiant in this case and Stater and avers as follows. My name is James M. Miller my age is (40) forty years, my Post Office address is South McAlester Indian Territory. I have lived near M'Alester for the past three months. I lived before that on Poteau in Sugar Loaf County in the Choctaw Nation, near Heavener Post Office. I lived there near Heavener about (27) twenty seven years. I knew Haywood Parnell ever since I knew any person nearly. I knew him before he ever was married. He married Mary Ruddell. Mary Ruddell was a citizen of the United States. I cannot tell exactly that year that Haywood Parnell married her but it was about 33 years ago as well as I can remember not having been especially interested. I lived in Arkansas about three miles from where her parents live. when she married Parnell they came at once to the Choctaw Nation, Sugarloaf County. I knew them when they lived in the Choctaw Nation. I staid there at Parnells the most of the time not all the time. Haywood Parnell and Mary lived together as man and wife about (12) years of course I cant tell to a year but I was about (25) years old when they parted the last time, they would fall out and Haywood would leave home and stay away sometime and then come back to her and stay a while..

When Haywood Parnell left home the last time that I know of and they finally separated so far as I know I was living in the house with them, that was about twelve years after their marriage.

When Haywood left the last time they had three children. The oldest was a boy named Robert Parnell, he was about ten or twelve years old. the next oldest one was named Ada Parnell

a girl, about six years old as near as I can remember. the least one was named Novilla a girl and about two years old as well as I can remember, it has been a long time and I had nothing special to call my attention to the ages of the children.

Haywood Parnell lived with Mary all the time when he was at home as man and wife, they slept in the same room and in the same bed all the time, the house was small and we all slept in the same room and I know that they Haywood and Mary always slept in the same bed together.

I had been living with the family at this time about seven or eight years off and on, there most of the time. I lived with the family only a short time after this about five years when I was married.

After I married I went to the State and staid two years then I come back to the nation.. Haywood always treated these children the same made no die difference in them, he claimed all these children as his children and treated them as such, e everyone else recognized them as his children. I never heard any dispute between him and his wife over the children I would have certainly have heard him disclaim them at some time if he had for I lived as one of the family.

his
James M. Miller.
mark

The affliand after having the testimony read over to him acknowledges that the facts set out are true and I so certify this the 17th day of January, 1903.

Notary Public.

Witness

F.M. Smith
Jas. Huff

(Endorsed:
DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
F I L S D

FEB 3, 1903. James Birby, Acting Chairman

Mary E. Parnell.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D
FEB 4 1903

Tamr Sixty, Acting Chairman.

(COPY-DeB)

Choctaw Nation.

Central District.

Deposition taken in the case of

Mary E. Parnell

vs.

Haywood Parnell.

Ques. 1 What is your name

Ans. Nancy Simmons.

Ques. 2 What is your P.O.

Ans Heavener, I. T.

Ques. 3 What is your age

Ans Forty six (46)

Ques 4 Do you know Haywood Parnell & his wife Mary E.
Parnell & how long have you known them?

Ans I do-- about 20 years.

Ques 5 How long did Parnell live with her first and last

Ans About 13 years.

Ques 6 How many children did they have when he quit for
good.

Ans Three.

Ques 7 What were the children names

Ans. Robert, Ada, Reviley.

Ques 8 Was Mary E. Parnell recognized as a citizen by
every body.

Ans She was

Ques About how old was Revilley when Haywood quit for
good

Ans Two years old.

Witness

O.J.M. Brewer

M.M. Kenna.

her

Nancy x Simmons. (SEAL)
mark

Subscribed and sworn to before me this the 21 day
of Jan 1902.
(SEAL)
My Com. Expr. Apr. 3rd 1903.

N. S. Castelow
Notary Public.

(COPY-DeB)

Deposition taken in the case of
Mary E. Parnell
vs.
Haywood Parnell.

Question

1 What is your name.

Ans Mrs. Sarah Jefferson.

2 What is your P.O.

Ans Heavenex, I. T.

3 What is your age

Ans Thirty two

#4 Do you know Haywood Parnell & his wife Mary E.

Parnell & how long have you known them

Ans I do.- I have known them for 20 years

5 How long did Parnell live with her first and last

Ans About 12 years

6 How many children did they have when he quit for
good

Ans Three children.

7 What were the childrens names

Ans Robert, Ada, Roviley.

#8 Was Mary E. Parnell recognized as a citizen by
every Body

Ans Yes she was

#9 About how old was Roviley when Haywood Parnell
quit for good

ans Two years old

her
Mrs. Sarah x Jefferson (SEAL)
mark

Subscribed & sworn to before me this 21 day of Jan 1903.
Witnesses

O.J.M.Brewer

her
Mrs. Sarah x Jefferson (SEAL)

Ed M. Kenna

mark

(SEAL)

H. S. Castelow

My Com Expr Apr 3rd 1903 (Endersed)

Notary Public.

Mary E. Parnell.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

F I L E D

FEB 4 1903

Tams Birby Acting Commissioner.

(COPY-DeB)

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary E. Parnell as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D. 269.

- - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

January 23, 1904.

(Endorsed)

Choctaw D-269.

In the matter of the enrollment of Mary E. Parnell as an intermarried citizen of the Choctaw Nation.

PROTEST of

Choctaw and Chickasaw Attorneys.

Protest overruled by the Department.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

F I L E D

FEB 6, 1904.

Tams Bixby, Chairman.

(COPY-DeB)

DEPARTMENT OF THE INTERIOR.

UNITED STATES INDIAN SERVICE.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee Indian Territory.

In The Matter of the application of Mary E. Parnell to be placed on the Choctaw Rolls as a member of the Choctaw Tribe of Indians in the Indian Territory, as a Citizen by Inter-marriage of said Tribe. Comes now Mary E. Parnell, the applicant and after being duly sworn as the law directs states and avers that her name is Mary E. Parnell that her age is 49 years that her Post Office is M'Alister I.T. that she was the lawful wife of Haywood Parnell, that at the time of her application for enrollment as a member of said Choctaw Tribe she lived and resided at M'Alister in the Choctaw Nation Ind Tee. that during the year 1896 she lived and resided at Coal Gate in the Choctaw Nation, Indian Territory, and have lived and continuously resided in the Choctaw Nation since 1872.

She makes this statement to correct and answer a question propounded to her at Muskogee by your Commission as to her residence in 1896.

her
Mary E.xParnell
mark

Sworn to and subscribed this the 27th day of June 1904.

R. B. Colman.

(SEAL)

My Commission Expires Oct. the 10th 1905.

(Endorsed)

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D

JUN 30, 1904.

Tams Bixby Chairman.

Have you made an application for enrollment?
As a member of what Nation? As full-blood or intermarried?
(Answer here) I have. Choctaw Intermarried
Where did you make application for enrollment? at what place?
(Answer here) Ardmore my attorney made a written application
for me.

Q Was it a written or oral application?

Ans. It was Oral at Ardmore.

What was the exact date that you made this application?

Ans.- It was about the 5th of Sept 1898.

Did you have your license with you at the time?

Ans.- I did

Did the Commission refuse to enroll you at that time?

Ans.- They did

If so, was it because you were not living with your Indian
wife at the time? Ans.- It was

State any other facts that you know of material interest re-
garding your original application for enrollment as an in-
termarried citizen of the Choctaw Nation. Ans. My attorney
made a written application for me Before that time But I
Cant Remember the Date.

State what official of the Commission you appeared before
when you made your application? Give his name, if you know?

Ans. I cant Remember his name.

Sign here

This July

1904.

(Endorsed)
DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
F I L E D
AUG 9, 1904.

Tams Birby, Chairman.

(COPY-DeB)

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE TRIBES.

In the matter of the application for the enrollment as a
member of the Choctaw Tribe of Indians in the Indian Terr-
itory, of Mary E. Parnell,

Depoistoe,.

Comes now Mary E. Parnell, Depoister, and after being
duly sworn as the law directs states and avers as follows,

to-wit.

My name is

Mary E. Parnell, Depoistoe, that my age is (49) forty
nine years, my residence is at M'Alester Indian Territory
My Post Office is South M'Alester I.T. I am the identical
Mary E. Parnell who has made an application for enrollment
as an intermarried citizen of the Choctaw Tribe of Indians
and a member of said tribe in the Indian Territory, I am also
the late wife of Haywood Parnell, who is a Choctaw by blood
and a member of the Choctaw Tribe of Indians in the Indian
territory.

When he and I were married to each other neither of us
had ever been married before and neither of us had a living
wife or a living husband from whom we had not been divorced,
nor neither of us had been formally married prior to our marriage
to each other at the time of our marriage we were both young
people and had never been married before.

her
Mary E. X Parnell Depoister
mark

Witness

Mrs. A. C. Drumb

Subscribed and sworn to before me at my office in M'

Alester Indian Territory this the 14th day of October 1904.
(SEAL)

R. D. Coleman.

My Commission Expires Oct the 10th 1905.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

J. L. D. Oct 17 1904.

James Dixby, Chairman.

(COPY-DeB)

No. 1.

SUGAR LOAF CO., C.W. May 11 the 1887,
Received of Mr. Mary Parnall, a citizen of Sugar Loaf County, C. W., the sum of \$2.50 the full amount of permit tax assessed against his the hiring tax, Mr. Jackson Wiles for the year 1887.

Peter ConSan

Sheriff and Ex-officio

Collector of Sugar Loaf County, C.W.

Dapt

(COPY-DeB)

Office of Permit Inspector,
Pontotoc County, Chickasaw Nation.

No. 51

Received of Jackson Wiles Permit No. 44, who
is under the employ of Mary Parnell for twelve
months from Jan- first , 1890 as a Farmer.

Given under my hand this first day of
January, 1890.

B. F. Perry.

Permit Inspector of Pontotoc County, C. N.

Per

Deputy Inspector of Permits.

Pontotoc County, C. N.

(COPY-DeB)

I, Ned Gist, an acting and duly commissioned Justice of the Peace in and for the County of Scott in the State of Arkansas do hereby certify that on the 18th day of March 1872 at the County of Scott in the State of Arkansas I did duly join in marriage J. H. Parnell of the Chectaw Nation aged 21 years and Mary E. Ruddle of the County of Scott, State of Arkansas, aged about 18 years, and then and there declared them to be husband and wife.

Given under my hand the 18th day of March 1872.

Ned Gist, J. P.

Filed for record April 15th 1872.

L. D. Gilbreath, Clerk and Ex-officio
Recorder.

State of Arkansas)
County of Scott.) I., J. C. Gilbreath, Clerk and
ex-officio Recorder for Scott County, Arkansas, do certify
that the above and foregoing transcript is a true complete
and perfect copy of the record of the Marriage Certificate
of J. H. Parnell and Mary E. Ruddle, as the same appears
from the records of my office. I further certify that Ned
Gist whose name appears above as J. P. was at the time of
the solemnization of the rites of Matrimony between said
parties an acting and duly commissioner Justice of the peace
of Scott County, Arkansas duly authorized by the laws of
this state to solemnize marriage and that all his acts as
such are entitled to full faith and credit.

In testimony whereof I have hereunto set my hand
and affixed my official seal on this 13th day of July 1880.
(SEAL) J. C. Galbreth, S.N.

(Endorsed)
Filed in my office this the 17th Oct 1884 J. B. Jeter, Clerk
Recorded in Book D, Committee.
Page 223 of Tobacco County Court Record this 24th day March
1885. A. W. McClure, County Clerk, Tobacco Co. C.N.

(COPY-DeB)

UNITED STATES OF AMERICA.

Indian Territory, Central District/

BE IT REMEMBERED THAT ON THIS THE 30 day of August, 1905 personally appeared before me, a Notary Public, duly commissioner in and for the said district, Mary E. DePeyster, who being duly sworn on her oath states, that she is the identical person who made application the the Commission to the Five Civilized Tribes for enrollment as a citizen of the Choctaw Nation by intermarriage, under the name of Mary E. Parnell, that she was lawfully married to Haywood P. Parnell, and that she had never been married before she married the said Haywood P. Parnell, and that her children were all born after her marriage to him and that no children were born to her before such marriage to him. That to the best of her knowledge and belief Haywood P. Parnell had not been married prior to his marriage to her.

Mary E. DePeyster.

Subscribed and sworn before me this 30 day of Aug. 1905.

P. M. Kizer.

(SEAL)

Notary Public.

My commission expires March 10, 1907.

(Endorsed)

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
F I L E D
SEP 6 1905.

Tams Bixby
Commissioner.

I hereby certify that the attached papers are true and correct copies of the original papers which constitute the record in the matter of the application for enrollment of Mary E. Parnell and her children as citizens of the Choctaw Nation, as the same appears among the records in my office

Commissioner.

NEW BORN # 961

100

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

ROY Welsh

as a citizen of

CHOCTAW Nation.

Approved..... 100...

Commissioner.

Born Nov. 19, 1904
Act of Congress
approved April 26, 1906

Department of the Interior
Commissioner to the Five
Civilized Tribes.

Filed Jun 14 1906
Tams Rixby Commissioner

CHOCTAW RECEIVED JUL 5 1906
N. B. 961.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN HIS APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Roy Welsh (born on the 19 day of November, 1904)
Name of Father: Thomas Welsh, a citizen of the United States Nation.
Name of Mother: Ada Welsh, a citizen of the Choctaw Nation.
Tribal enrollment of father: None Tribal enrollment of mother:
Postoffice: McAlester I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Ada Welsh, on oath state that I am 24 years of age and a citizen by Blood of the Choctaw Nation; that I am the lawful wife of Thomas Welsh, who is a citizen, by of the United States Nation; that a Male child was born to me on 19 day of November, 1904; that said child has been named Roy Welsh, and was living March 4, 1906.

Ada Welsh
her x Mark

WITNESSES TO MARK:

[Must be Two Witnesses] { R. B. Coleman
W. C. Green

Subscribed and sworn to before me this 4th day of June, 1906. (SEAL)
(Signed) D. W. Hopkins

Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

Mrs. M. Cole
I, Mrs. Marcia Tomblin, on oath state that I attended on Mrs. Ada Welsh, wife of Thomas Welsh, on the 19 day of November, 1904; that there was born to her on said date a Male child, that said child was living March 4, 1906, and is said to have been named Roy Welsh.

(Signed) Mrs. Marcia Tomblin

WITNESSES TO MARK

[Must be Two Witnesses]

I certify that the above is true before me and in accordance with the law.
(Signed) D. W. Hopkins, Notary Public.
(Signed) D. W. Hopkins (SEAL)
Notary Public

New Born #961.

100.

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Ida Welsh

as a citizen of

Choctaw Nation.

Approved..... 190...

.....
Commissioner.

Born June 25, 1902

Act of Congress approved
April 26 1906

Department of the Interior
Commissioner to the Five
Civilized Tribes
Filed Jun 14, 1906
Tams Bixby Commissioner

CHOCTAW RECEIVED JUN 5 1906
N. E. 961

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Ida Welsh, born on the 25 day of June 1902
[Here insert name of child]
Name of Father: Thomas Welsh, a citizen of the United States Nation.
Name of Mother: Ada Welsh, a citizen of the Choctaw Nation.
Tribal enrollment of father: None Tribal enrollment of mother: _____
Postoffice Post Office McAlester, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Ada Welsh, on oath state that I am 24 years of age and a citizen of the Choctaw Nation; that I am the lawful wife of Thomas Welsh, who is a citizen, by U. S. states, of the United States Nation; that a female child was born to me on 25 day of June 1902; that said child has been named Ida Welsh and was living March 4, 1906.

(Signed) Ada Welsh
her x Mark

WITNESSES TO MARK:

[Must be Two Witnesses] { R. B. Colman
W. C. Green

(SEAL)

Subscribed and sworn to before me this 4th day of June 1906.

(Signed) D. W. Hopkins
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, John O. Grubbs, M.D., on oath state that I attended on Mrs. Ada Welsh, wife of Thomas Welsh on the 25 day of June 1902; that there was born to her on said date a female child; that said child was living March 4, 1906, and is said to have been named Ida Welsh.

(Signed) John O Grubbs

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 4th day of June 1906

(Signed) D. W. Hopkins (SEAL)

Notary Public

7-D-269
23-961.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ada Parnell, now Ada Welsh, et al., as citizens by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the Census Card Record in this case that application was made to the Commission to the Five Civilized Tribes on August 1, 1899, by Mary E. Parnell for the enrollment of Ada Parnell, now Ada Welsh, and Revilla Parnell as citizens by blood of the Choctaw Nation.

On June 5, 1906, written applications were made to the Commissioner to the Five Civilized Tribes for the enrollment of Ida Welsh and Roy Welsh, minor children of Ada Welsh and Thomas Welsh, as citizens by blood of the Choctaw Nation.

The record herein shows that the applicants, Ada Welsh and Revilla Parnell, are the children of Mary E. DePoister. It is alleged that the father of said children is Haywood P. Parnell.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that the name of Mary E. DePoister appears on the final roll of citizens by intermarriage of the Choctaw Nation, opposite No. 1546, and that the name of Haywood P. Parnell appears on the final roll of citizens by blood of the Choctaw Nation, opposite No. 6152.

The record herein further shows that the applicants, Ida Welsh and Roy Welsh, are the children of Ada Welsh and Thomas Welsh, a non-citizen; that said applicants were born on June 25, 1902, and November 19, 1904, respectively, and were living on March 4, 1906.

The evidence as to the legitimacy of the applicants, Ada Welsh and Revilla Parnell, is to some extent conflicting. The record contains the testimony of Haywood P. Parnell, taken at Talihina, Indian Territory, in which he states that he had only one child by Mary DePoister, formerly Mary Parnell, which child was named Robert and is now dead. He was also asked the question, "How long since you quit her," to which he answered, "I cannot exactly tell, I don't know how long, but it has been a good while--- it has been fifteen or sixteen years." The date on which this testimony was submitted is not shown by the records. It was, however, without a doubt, given subsequent to August 1, 1899, the date on which application was made for the enrollment of Ada Welsh and Revilla Parnell as citizens of the Choctaw Nation.

Thomas Nolen testified that Mary Parnell and Haywood P. Parnell only had one child prior to their separa-

tion, which child was named Robert, and that after their separation she had some other children born to her while she was living with a white man named Jack Wise. The testimony of Jane Crow is practically to the same effect.

Mary DePoister testifies that she was married to Haywood P. Parnell in 1872; that they first separated in 1875; that at the time of the first separation she had one child, Robert Parnell; that after their separation they lived together as husband and wife at frequent intervals until about seventeen years prior to the date of her testimony, which was January 12, 1903, when said Haywood P. Parnell obtained a divorce.

The record herein shows that the applicant, Ada Welsh, was born on July 24, 1882; that the applicant, Rovilla Parnell, was born on the 24th day of January, 1884.

It does not appear from the record herein or from the records in the possession of the Commissioner to the Five Civilized Tribes that the applicants, Ada Welsh and Rovilla Parnell, were ever recognized and enrolled as citizens by blood of the Choctaw Nation by any duly constituted authority; their names do not appear on any of the tribal rolls of the Choctaw Nation in the possession of this office.

The name of Haywood "Penal" and Mary "Penal" appear on the 1885 Choctaw Census Roll. The name of Robert "Penal" also appears on said roll. The name of H. P. Parnell also appears on the 1896 Choctaw Census Roll.

The record herein fails to show that the applicants, Ada Welsh and Rovilla Parnell, are the children of recognized and enrolled citizens of the Choctaw Nation. This fact, however is immaterial, inasmuch as the record herein shows that said applicants were adults on September 25, 1902, and have never been recognized and enrolled as citizens by blood of the Choctaw Nation by any duly constituted authority, and therefore, are not entitled to enrollment.

I am, therefore, of the opinion that the applications for the enrollment of Ada Welsh and Rovilla Parnell as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applications for the enrollment of Ida Welsh and Roy Welsh as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.


COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

FEB 27 1907

Muskogee, Indian Territory, February 27, 1907.

Mary E. Parnell,

South McAlester, Indian Territory.

Dear Madam:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application for the enrollment of Ada Welsh, Revilla Parnell, Ida Welsh and Roy Welsh as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tams Bixby*

Commissioner.

7-D-269
Registered.

Muskogee, Indian Territory, February 27, 1907.

Ada Welsh,

McAlester, Indian Territory.

Dear Madam:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application for your enrollment and for the enrollment of Ida Welsh and Roy Welsh as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tam. Doby*

Commissioner.

7-D-269.
Registered.

Muskogee, Indian Territory, February 27, 1907.

Guy P. Cobb,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application for the enrollment of Ada Welsh, Revilla Parnell, Ida Welsh and Roy Welsh as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

7-D-269.
Registered.

COPY

7-D-269

Muskogee, Indian Territory, February 27, 1907.

R. B. Coleman,
Attorney at Law,
South McAlester, Indian Territory.

Dear Sir:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application for the enrollment of Ada Welsh, Revilla Parnell, Ida Welsh and Roy Welsh as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Jame Dixby

Commissioner.

7-D-269.
Registered.

Muskogee, Indian Territory, February 27, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application for the enrollment of Ada Welsh, Revilla Parnell, Ida Welsh and Roy Welsh as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tamc Birt

Commissioner.

COPY

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Ada Welsh, Novilla Parcett, Iia Welsh and Roy Welsh as citizens by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, denying said application.

Respectfully,

SIGNED *Tame Dixby*

Commissioner.

7-D-269.

Through the

Commissioner of Indian Affairs.

C. 13274.

SPECIAL.

CHW.

DEPARTMENT OF THE INTERIOR,

S.P.

WASHINGTON.

March 4, 1907.

I. T. D. 7905-1907.

LRS.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

March 2, 1907, the Indian Office transmitted the record,
together with your adverse decisions in the following enrolment
cases, concurring in your decisions:

Title of Case.

Dora Riley, et al. (intermarried Choc.)

George Crawford (intermarried Choc.)

Abraham H. Nail, et al. (Choctaw).

Mannie Guess, et al. (Choctaw freed.)

Noel Walker (Choc. freed.)

Patsie Alexander (Choc. freed.)

Arie Lewis (intermarried Choc.)

George Rosenthal (intermarried Choc.)

Ada Welsh, et al. (Choc. by blood)

William E. Moore, et al. (Choc. by blood)

William R. Will, et al. (Choctaw)

James A. Blackburn, et al. (Cherokee)

Andrew T. Watie, et al. (Cherokee freed.)

The Department cannot concur in your decision in the
case of Dora Riley, applicant for enrolment as a citizen of the
Choctaw Nation.

In view of the opinion of the Attorney General in the
case of William C. Thompson, et al., you are directed to enroll
the said Dora Riley as a citizen by intermarriage of the Choctaw
Nation.

The application for the enrolment of her child Florence L. Riley is denied in accordance with your decision.

The Department cannot concur in your decision adverse to George Crawford, applicant for enrolment as a citizen by intermarriage of the Choctaw Nation, as he was married to a woman admitted to citizenship in the Choctaw Nation by the Commission in 1896. You are accordingly directed to enroll him as a citizen by intermarriage of the Choctaw Nation.

In the other cases submitted, the Department concurs in your decision adverse to the applicants.

They are accordingly affirmed.

The papers have been sent to the Indian Office, together with a copy hereof.

Respectfully,

E. A. Hitchcock,

Secretary.

26 inc. to Ind. Of.
MCM. 3-4-07.

Refer in reply to the following.

(COPY)

U. C. 13274

DEPARTMENT OF THE INTERIOR,

Land
References in
body of letter.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There are forwarded herewith several reports from Commissioner Bixby, transmitting the records in certain citizenship cases, together with the decisions of the Commissioner, denying the applications for the enrollment of all the persons involved in the following cases:

21809 Cherokees By Blood.
James A. Blackburn, et al.

21808. CHEROKEE FREEMAN.
Andrew T. Vatie, et al.

21783, CHOCTAWS BY BLOOD.
William B. Hill, et al.

21782. William E. Moore, et al.

21779. Abraham H. Nail, et al.

21778. Dora, et al.

21775. Ada Welsh, et al.

CHOCTAWS BY INTERMARRIAGE.

21778. Dora, et al.

21779. Abraham H. Nail, et al.

21781. George Rosenthal.
21780. Aris Lewis.
21776. George Crawford.
CHOCIAW PRUITMAN.
21784. Patric Alexander.
21785. Noel Walker.
21777. Hannie and Isabell Sue.

The Office has examined the record in each of the above cases and recommends that the decisions of the Commissioner denying the applications of the persons involved therein be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJV:LM

Muskogee, Indian Territory, April 9, 1907.

Mary E. Parnell,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application for the enrollment of Ada Welsh, Revilla Parnell, Ida Welsh and Roy Welsh as citizens by blood of the Choctaw Nation.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, April 9, 1907.

Ada Welsh,

McAlester, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application for your enrollment and for the enrollment of Ida Welsh and Roy Welsh as citizens by blood of the Choctaw Nation.

Respectfully,

Acting Commissioner.

7-D-269

Muskogee, Indian Territory, April 9, 1907.

Guy P. Cobb,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application for the enrollment of Ada Welsh, Revilla Parnell, Ida Welsh and Roy Welsh as citizens by blood of the Choctaw Nation.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, April 9, 1907.

R. B. Coleman,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application for enrollment of Ada Welsh, Revilla Parnell, Ida Welsh and Roy Welsh as citizens by blood of the Choctaw Nation.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, April 9, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application for the enrollment of Ada Welsh, Revilla Parnell, Ida Welsh and Roy Welsh as citizens by blood of the Choctaw Nation.

Respectfully,

Acting Commissioner.

MOTION TO STRIKE OUT.

In the matter of the application for enrollment of Ada Welch, nee Parnell and Rosvilla Parnell as citizens of the Choctaw Nation.

DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes

FILED

JUN 12 1906


Commissioner.

GUY P. COBB

ATTORNEY AT LAW

ARDMORE, IND. TER.

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

.....

In the matter of the application
for enrollment of Ada Welch, nee
Parnell and Rovilla Parnell as
citizens by blood of the Choctaw
Nation.

.....

MOTION TO STRIKE OUT

Comes now Ada Welch and Rovilla Parnell by their at-
torney Guy P.Cobb and move that the testimony of Hayward P.Parnell
and the testimony of Jane Crow and other testimony of a similar nature
be stricken from the record of the above entitled cause for the
following reasons.

First: As to the testimony of Hayward P.Parnell, upon the face
of the record it is shown that this testimony was taken in the case
of the application for enrollment of Larkin and Noah Parnell and
was not taken in the above entitled case and for that reason it is
erroneously placed in this record. Further if the testimony
of Hayward P.Parnell was taken in the above entitled case it was
taken without notice to the applicants or their attorneys and ^{they} were
given no chance to examine or cross examine the witnesses.

Further the testimony of Hayward P.Parnell shows that the
applicants were born prior to his marriage with Mary E.Rundel in
1872, whereas it is conclusively shown that the applicants were born
10 or 12 years later. The testimony of Hayward P.Parnell on its
face shows that it is only part of the testimony given by him at
that time, and that in the other part of the testimony, not made part
of the record in this case he testified to a different state of facts
The applicants have requested and demanded a copy of the testimony
given by Hayward P.Parnell, and have been denied or refused such
copy, and it is certainly improper to admit a fragment of the testi-
mony without at least making that part of the testimony which con-
tradicts the fragment a part of the record.

The testimony of Jane Crow should be stricken from the record for the following reasons there is nothing in the record to show when such testimony was taken, such testimony was taken in the absence of the applicants or their representatives and without notice to such applicants, and neither the applicants or their attorneys were given an opportunity to be present at such time as such testimony was taken or to examine or cross examine such witnesses, and there is nothing in the testimony of Jane Crow to show that she had knowledge of the subject upon which her testimony was given.

The judgement of the Commissioner in granting the enrollment of Mary E. DePoister specifically sets forth that Mary E. Rundel and Parnell were legally married in 1872, "immediately after said marriage removed to the Choctaw Nation where she resided continuously until 1886 when they separated". The marriage and existence of the marriage having been established by the decision of the Commissioner and the testimony above referred to and all testimony of a similar character is entirely irrelevant and immaterial and should be stricken from the record.

Wherefor applicants pray that the testimony of Hayward P. Parnell and Jane Crow and all other testimony of a similar character be stricken from the record and that the citizenship of the applicants be passed upon from the record as it then shows.

Guy P. Cobb
Attorney for applicants.

miscellaneous

was at those points...

serve, that while Mary E. Parnell
as an applicant for citizenship in the Choctaw Nation,
rights and status have not yet been determined and neither of the
children have been listed for enrollment as citizens of the Nation.

Yours truly,

February 19, 1950

Mrs. Mary E. Parnell,

McAlester, Indian Territory.

Dear Madam:

Acting Chairman.

Choctaw D 262. is in receipt of your letter of February 17,
requesting to be informed if the names of Mary E., Ada, Revilla A.
Parnell are on the rolls of the Choctaw Nation.

In reply thereto, you are informed that the records of this
Commission show that Mary E. Parnell has been placed upon the roll of
doubtful citizens of the Choctaw Nation, but that the children, Ro-
villa and Ada, do not appear as listed for enrollment with the moth-
er. There is considerable testimony taken in your behalf by the Com-
mission at Water, Hartsborne and South McAlester, when the Commission
was at those points last summer and fall. You will therefore ob-
serve, that while Mary E. Parnell has been listed by this Commission
as an applicant for citizenship in the Choctaw Nation, her full
rights and status have not yet been determined and neither of the
children have been listed for enrollment as citizens of the Nation.

Yours truly,

Acting Chairman.

Choctaw D 262.

Muskogee, Indian Territory, January 14, 1902.

Mary E. Parnell,

South McAlester, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you designate and desire to have a record made of the selections of yourself and your two children, Ada Welch and Revilla Parnell, of your allotments of the lands of the Choctaw Nation.

You are informed that the Commission has no means at this time of recording the selections of citizens of the Choctaw Nation to any tracts of land in the Choctaw-Chickasaw country. Matters of this character will receive the attention of the Commission upon the establishment of an allotment office in the Choctaw-Chickasaw country for the purpose of allowing the citizens of these two tribes to make selection of and file upon their prospective allotments.

You are further informed that when such allotment is made it will be to those citizens whose names appear upon the final rolls as approved by the Secretary of the Interior, but your right and the rights of your two children as citizens of the Choctaw Nation have not up to this time been adjudicated by this Commission

M. E. P.--2.

or by the Secretary of the Interior.

It appears from our records that you have made application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation and also applied for the enrollment of your two children, Ada Welch and Revilla Parnell as citizens of that tribe.

It appears from the evidence submitted in this case that you were at one time married to Haywood Parnell, a citizen by blood of the Choctaw Nation but subsequently separated from him and married a white man, non citizen of the Choctaw Nation.

It is also contended by the Choctaw Nation that your two children, Ada Welch and Revilla Parnell are your children by your white husband and have no Choctaw blood and are not entitled to enrollment as citizens of the Choctaw Nation.

You are further informed that from a careful search of the records of the Choctaw Nation in the possession of this Commission it does not appear that either you or your children have ever been enrolled by the Choctaw tribal authorities as citizens of that Nation.

Yours truly,

Muskogee, Indian Territory, February 11, 1904.

Mary E. Parnell,

South McAlester, Indian Territory,

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of yourself as an intermarried citizen, and of your children, Ada Parnell (now Welch) and Revilla Parnell, as citizens of the Choctaw Nation, until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, July 28, 1906.

Guy P. Cobb,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of June 11, 1906, transmitting, in duplicate, motion to strike out certain testimony, in the matter of the application for enrollment ~~of~~ citizens by blood of the Choctaw Nation, of Ada Welch and Revilla Parnell.

You are advised that this motion has been filed with the record in the case.

Respectfully,

Commissioner.

7-D-269

Muskogee, Indian Territory, February 6, 1907.

Mary Depoyster,

Leon, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 24, in which you ask the status of the application for the enrollment of your children, Ada and Rovilia Parnell.

In reply you are advised that the application for the enrollment of your children, Ada Welch and Rovilia Parnell, is now receiving consideration and when a decision is reached you will be notified of the action taken.

Respectfully,

Commissioner.

D. C. 13274.

SPECIAL.

CRW.

DEPARTMENT OF THE INTERIOR,

S.P.

WASHINGTON.

March 4, 1907.

I. T. D. 7908-1907.
LRS.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

March 2, 1907, the Indian Office transmitted the record,
together with your adverse decisions in the following enrolment
cases, concurring in your decisions:

Title of Case.

Dora Riley, et al. (intermarried Choc.)

George Crawford (intermarried Choc.)

Abraham H. Nail, et al. (Choctaw).

Hannie Guess, et al. (Choctaw freed.)

Neel Walker (Choc. freed.)

Patsie Alexander (Choc. freed.)

Arie Lewis (intermarried Choc.)

George Rosenthal (intermarried Choc.)

Ada Welsh, et al. (Choc. by blood)

William E. Moore, et al. (Choc. by blood)

William B. Hill, et al. (Choctaw)

James A. Blackburn, et al. (Cherokee)

Andrew T. Watie, et al. (Cherokee freed.)

The Department cannot concur in your decision in the
case of Dora Riley, applicant for enrolment as a citizen of the
Choctaw Nation.

In view of the opinion of the Attorney General in the
case of William C. Thompson, et al., you are directed to enroll
the said Dora Riley as a citizen by intermarriage of the Choctaw
Nation.

-2-

The application for the enrolment of her child Florence V. Riley is denied in accordance with your decision.

The Department cannot concur in your decision adverse to George Crawford, applicant for enrolment as a citizen by intermarriage of the Choctaw Nation, as he was married to a woman admitted to citizenship in the Choctaw Nation by the Commission in 1896. You are accordingly directed to enroll him as a citizen by intermarriage of the Choctaw Nation.

In the other cases submitted, the Department concurs in your decision adverse to the applicants.

They are accordingly affirmed.

The papers have been sent to the Indian Office, together with a copy hereof.

Respectfully,

E. A. Hitchcock,

Secretary.

26 inc. to Ind. Of.
MCV. 3-4-07.

Refer in reply to the following.

(COPY)

D. C. 13274

DEPARTMENT OF THE INTERIOR,

Land

OFFICE OF INDIAN AFFAIRS,

References in
body of letter.

WASHINGTON. March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There are forwarded herewith several reports from Commissioner Bixby, transmitting the records in certain citizenship cases, together with the decisions of the Commissioner, denying the applications for the enrollment of all the persons involved in the following cases:

21809 Cherokees By Blood.
James A. Blackburn, et al.

21808. CHEROKEE FREEDMAN.
Andrew T. Watie, et al.

21783, CHOCTAWS BY BLOOD.
William B. Hill, et al.

21782. William E. Moore, et al.

21779. Abraham H. Nail, et al.

21778. Dora, et al.

21775. Ada Welsh, et al.

CHOCTAWS BY INTERMARRIAGE.

21778. Dora, et al.

21779. Abraham H. Nail, et al.

21781. George Rosenthal.
21780. Aris Lewis.
21776. George Crawford.
CHOCTAW FREEDMEN.
21784. Patsie Alexander.
21785. Noel Walker.
21777. Hannie and Isabell Gue.

The Office has examined the record in each of the above cases and recommends that the decisions of the Commissioner denying the applications of the persons involved therein be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJV:LM

Osage, Indian Territory, March 14, 1907.

Mr. H. Depoyster,

Osage, Indian Territory.

Dear Madam:

Your letter of February 9, 1907, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you ask relative to the application for the enrollment of your two children Ada and Novilla Parnell, as application was made for their enrollment and you have heard nothing from it.

In reply to your letter you are advised that the Commissioner to the Five Civilized Tribes on February 27, 1907, refused the application for the enrollment of your children Ada Welsh and Novilla Parnell as citizens by blood of the Choctaw Nation, and on the same date the record in this case was forwarded to the Secretary of the Interior. You will be notified of Departmental action taken therein.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

7-D-269

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 9, 1907.

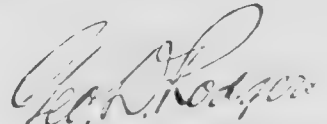
Mary E. Parnell,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application for the enrollment of Ada Welsh, Rovilla Parnell, Ida Welsh and Roy Welsh as citizens by blood of the Choctaw Nation.

Respectfully,


Acting Commissioner.

D. 269

Mary P. Papp
Hon. W. H. H. H.

No. 1
the 1st of 1907

REFUSED. FEB 27 1907

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Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

72-269

second notice

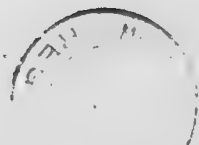
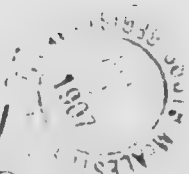
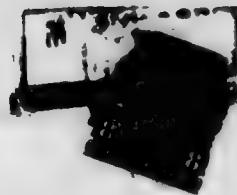
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Mary E. Parnell,

~~South McAlester, Indian Territory.~~

Returned to
writer. Mailed for



1911

REFER IN REPLY TO THE FOLLOWING:

7-D-269

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 27, 1907.

Mary E. Parnell,

South McAlester, Indian Territory.

Dear Madam:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application for the enrollment of Ada Welsh, Revilla Parnell, Ida Welsh and Roy Welsh as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,



Commissioner.

7-D-269
Registered.

L. 270

Joseph R. Barton

Record transferred to
C. H. L. card # 560

D 211

Mary Komer

Record transferred to
CHOCTAW #5858

Choc D272 Oscar J. Hawkins

no 2 Dismissed may 13, 1904

D272

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

)))):(((

Record in the matter of the application for enrollment
as an intermarried citizen of the Choctaw Nation of:

MINNIE E. HAWKINS ----- 7-D-272.

---o---
---o---
--o--
-o-
o

Department of the Interior,
Commissioner of the Five Civilized Tribes
I hereby certify that on my official duty as
stenographer to the Commission, this
transcript is a true, full and correct translation of
my stenographic notes.

Commission to the Five Civilized Tribes,

Hartshorne, Indian Territory.

In the enrollment of Oscar J. Hawkins and wife as Choctaw citizens; being sworn and examined by Commissioner McKennon he testifies as follows:

Oscar J. Hawkins, twenty-eight years old.

Q You are the same individual who was admitted by the United States Court at South McAlester August 26th, 1897, in the case numbered 27 as Mississippi Choctaw? A Yes sir.

Q Where have you been living? A Part of the time at Jenson and part of the time in Porter Bottom.

Q When you were living at Jenson were you in the Choctaw Nation? A Yes sir.

Q Have you been living in the Choctaw Nation all the while?

A Pretty much all the while for the last three years.

Q Where were you living when you were not here? A Sometimes back home in Mississippi and sometimes Memphis and sometimes Fort Smith; I couldn't tell everywhere.

Q When were you last out on one of these trips? A About two years ago.

Q What time in the year; - what time did you return last to the Territory? A Last Spring sometime.

Q What time? A About May, I believe, of this year.

Q How long had you been out of the Territory then?

A Six months.

Q Residing out of the Territory for six months? A Well yes, I don't know whether you call it residing out of the Territory, my home was still in the Nation but I ~~wasn't~~ wasn't residing out.

Q Where was your father, were you living with him?

Q Yes sir, well not then, he was in the Nation there close to Jenson.

(Oscar J. Hawkins #2)

Office of the Interpreter
Commissioner of the General Land Office
I hereby certify that the foregoing is a true and correct transcript of the stenographic notes of the Commission of the
transcript is a true and correct transcript of
my stenographic notes

- Q Where were you? A At Fort Smith
- Q How long were you there? A All the time from the time I left the Nation the last time until I went back.
- Q Where were you the first part of 18 87? A I forget now what time I went back to Jensen.
- Q You were married to your wife October 27th, 1897? A Yessir.
- Q Where? A Fort Smith, Arkansas.
- Q She is a United States citizen is she? A Yes sir.
- Q As shown by this certificate of marriage here? A Yes sir.
- Q What have you to say about your residence? A Prior to my marriage my home was with my father, I was there most of the time and I always counted that my home at my father's; I was there till October 25th 1897.
- Q Continuously? A Well, most of the time; we moved into the Nation February, 1897.
- Q Your father died? A Yes sir, I was with him; it was before that that I was at Fort Smith and Memphis.
- Q When were you living in Fort Smith? A Since my marriage.
- Q How long? October 25th up to what time? A Up to last May; from the date of my marriage up to last May.
- Q Where were you living for the last two years prior to your marriage? A I was at home at my father's house.
- Q Wasn't you at Fort Smith? A No, father was on the line of Arkansas and the Nation up to February 1897, and then we moved into the Nation, and then I was at home at my father's.
- Q All the while? A Of course I would go off a few times at Hackett City and a few times at Fort Smith, but I never lived anywhere.
-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T. December 6th, 1900.

Choctaw Nation

vs.

D. 272.

Oscar J. Hawkins.

In the matter of the application of Oscar J. Hawkins for enrollment as a citizen of the Choctaw Nation.

On December 6th, 1900, at a session of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, the above entitled case being called for further hearing, and the Choctaw Nation appearing by its counsel, Mr. Melvin Cornish, the following proceedings were had, viz:

J. F. MATHIS, being sworn by Acting Chairman Rixby, was examined upon the part of the Choctaw Nation, and testified as follows:

DIRECT EXAMINATION BY MR. CORNISH:

- Q What is your name? A J. F. Mathis.
Q Where do you live? A I live at Jenson, Arkansas.
Q That is on the Territory line? A Yes, sir. I live in the Territory.
Q How old are you? A Sixty two.
Q You are a citizen of the United States, are you? A I am recognized I suppose as a citizen of the United States. I live in the Indian Territory.
Q You are not a Choctaw citizen are you? A No, sir.
Q Do you know Oscar J. Hawkins? A Yes, sir.
Q Do you know his wife Mamie E. Hawkins? A No, sir.
Q Do you know the father of Oscar J. Hawkins? A Yes, sir.
Q What is his name? A James M. Hawkins.
Q He lives at Jenson, does he not? A Yes sir.
Q Where does Oscar J. Hawkins live? A I suppose he lives at Fort Smith.
Q Why do you suppose that? A I see him there occasionally, and he is clerking there I believe.
Q In what place of business is he engaged in Fort Smith?
A I can't answer your question.
Q He is working in a store at Fort Smith? A Yes, sir, he was some time ago.
Q How long has he been there? A I suppose four or five years.
Q He is a son of this man James M. Hawkins? A Yes, sir.
Q He does not live about his father? A No, sir.
Q Has he ever to your knowledge had a residence in the Indian Territory? A No, sir.
Q But he has during the past four or five years lived in the State of Arkansas in Fort Smith, and he has been working in a store there? A That is my understanding.
MR. RIXBY: (Acting Chairman of Commission) What is your contention in this case?
MR. CORNISH: (It is a question of residence. The contention in this case is that ~~that~~ Oscar J. Hawkins and his wife Minnie F. Hawkins are residents of the State of Arkansas, and were not residing

within the Choctaw Nation in which tribe they claim enrollment,
on the 25th day of June, 1898, as required by law.

Witnesses excused.

The undersigned, being sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in this case, and that the foregoing is a correct true and complete transcript of his stenographic notes thereof.

J. J. McArthur
Subscribed and sworn to before me this 7th day of December A. D. 1900.

[Signature]
Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of Oscar J. Hawkins for enrollment as a citizen by blood of the Choctaw Nation, and for the enrollment of his wife, Minnie E. Hawkins, as an intermarried citizen of the Choctaw Nation.

-- D 272--

On the 28th day of February, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Oscar J. Hawkins and Minnie E. Hawkins for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 8th day of April, 1902, for final consideration.

Now, on this 7th day of April, 1902, prior to the date upon which this case was set for final hearing, the applicant being present by his attorney, Philip D. Brewer, of South McAlester, I. T., and the Choctaw Nation appearing by its attorneys, Mansfield, McMur-ray & Cornish, this case is called out of order, and submitted upon the evidence and record already on file with the Commission, and fifteen days is granted the applicant within which to file brief.

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 7th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 9th day of April, 1902.

[Signature]
Notary Public.

Choctaw D-272.

Muskogee, Indian Territory, February 28, 1902.

Minnie E. Hawkins,
Fort Smith, Arkansas.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 8th day of April, 1902.

On said date you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

Register.

E. D. Needles.
Commissioner in Charge.

Choctaw D-272.

Muskogee, Indian Territory, February 28, 1902.

Oscar J. Hawkins,

Fort Smith, Arkansas.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 8th day of April, 1902.

On said date you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. D. Needles.

Register.

Commissioner in charge.

7-D-272.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Minnie E. Hawkins
for enrollment as a citizen by intermarriage of the Choctaw Nation.

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The applicant, Minnie E. Hawkins, nee Hunt, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one Oscar J. Hawkins. The right of the applicant's husband, Oscar J. Hawkins, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of March 21, 1904, in case No. 54, upon the South McAlester docket of said court, it is hereby ordered that the application of Minnie E. Hawkins for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

Chocataw D-272

Muskogee, Indian Territory, May 13, 1904.

Minnie E. Hawkins,

Poteau, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 13, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Chocataw Nation.

Respectfully,

(S)

Chairman.

Registered.

Incl. 7-D-272.

Choctaw D-272.

COPY.

Muskogee, Indian Territory, May 13, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated May 13, 1904, dismissing the application of Minnie E. Hawkins for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,
(SIGNED)

Tams Bixby.

Chairman.

Incl. 7-D-272.

Musogbee, Indian Territory,

August 18th, 1900.

Oscar J. Hawkins,

Fort Smith, Arkansas.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McFennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Winnie E. Hawkins as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-272.

Muskogee, Indian Territory, July 15, 1901.

Mr. Oscar J. Hawkins,

Poteau, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you state that recently during your temporary residence in Ft. Smith, Arkansas, you received notice that the Choctaw Nation had entered protest to your enrollment as a citizen of the Choctaw Nation on the grounds of your non-residence; but since then you have had no further information relative to this matter. You now desire to be informed as to the present status of your case.

You are informed that it appears from our records that on August 1, 1899, you made personal application to this Commission for the enrollment of yourself and your wife as citizens of the Choctaw Nation; you as a citizen by blood, and your wife as a citizen by intermarriage; but at the time of such application the Commission did not feel warranted in enrolling you and your wife as such citizens for the reason that the question as to your non-residence was suggested to the Commission.

After that date no further testimony was offered by you in support of your application, and on August 18, 1900, Messrs. Mans-

O. J. H.--2.

field, McMurray & Cornish, representing the Choctaw Nation, filed with this Commission a protest to your enrollment and that of your wife as citizens of the Choctaw Nation. A copy of such notice was forwarded to you at your post office address as given in your testimony at the time of your personal appearance, Ft. Smith, Arkansas. This notice informed you that the Commission would hear the testimony of such witnesses as you might desire to present at the appointment at Atoka, I. T., beginning December 3, 1900.

On December 6, 1900, this case was called for hearing but no appearance was made either on behalf of or by you. The Choctaw Nation at that time was represented by Mr. Melven Cornish. Mr. Cornish introduced as a witness J. F. Mathis, of Jenson, Arkansas, who testified that you were living and employed in the state of Arkansas and was not a resident of the Choctaw Nation, Indian Territory.

Should you desire to offer any testimony in rebuttal of this evidence, such witnesses as you may present in person will be heard at the Commission's office at Muskogee, I. T.; notice of the taking of such testimony must first, however, be served upon Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw Nation, South McAlester, I. T.

Yours truly,

Muskogee, Indian Territory, July 29, 1901.

Mr. O. J. Hawkins,

Poteau, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, relative to the protest filed with this Commission by the Choctaw Nation as to the enrollment of yourself and wife as citizens of the Choctaw Nation, on the grounds that you have not complied with that provision of the act of Congress of June 28, 1898, which is as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

For your information and guidance there is enclosed herewith a copy of the testimony of J. F. Mathis before the Commission at Atoka, I. T., December 6, 1900. If you desire to introduce the testimony of any witnesses in rebuttal of the statement made by Mr. Mathis, such witnesses will be heard in person at the office of the Commission at Muskogee, I. T. Notice of the taking of such testimony must first be served upon Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw Nation, South McAlester, I. T.

Yours truly,

7-D 272

McM---88

Acting Chairman.

1

Muskogee, Indian Territory, August 22, 1901.

Mr. O. J. Hawkins,
Poteau, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, in which you acknowledge receipt of a copy of the testimony of J. S. Mathis taken before the Commission at Atoka, Indian Territory, in December, 1900, relative to your application for enrollment as a citizen of the Choctaw Nation.

You state that it is true you did not introduce any evidence before the Commission in December, 1900, for the reason that you understood the notice sent you to mean that the Commission would only hear evidence on behalf of the Nation and that they would not hear any other evidence.

This office is at a loss to understand how you could have misconstrued the meaning of our letter of August 18, 1900, which stated as follows: "The Commission, commencing December 3, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final."

On July 29, 1901, you were informed that if you desired to in-

O. J. H.--2.

introduce the testimony of any witnesses in rebuttal of the statement made by Mr. Mathis at Atoka, December, 1900, such witnesses would be heard upon their personal appearance at the office of the Commission in Muskogee, Indian Territory, provided, notice of the taking of such testimony was first served upon Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw Nation, South McAlester Indian Territory.

No further statement can be made in reference to this matter, and the opportunity is still open to you to introduce further testimony in support of your application, if the instructions contained in our letter of July 29, 1901, with reference to serving notice of the taking of such testimony upon the attorneys for the Choctaw and Chickasaw Nations, are complied with.

Yours truly,

Commissioner in Charge.

7-D 272

7-D-272
7--3084

2

Muskogee, Indian Territory, January 13, 1906.

Oscar J. Hawkins,

Fort Smith, Arkansas,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 10, 1906, in which you ask the status of the citizenship of yourself and sister, Lula Stokes.

In reply to your letter you are advised that the Choctaw and Chickasaw citizenship Court on March 21, 1904 denied the citizenship in the Choctaw Nation of Oscar J. Hawkins and Lula Stokes.

If it is now desired to present claim for yourself and sister under the rulings of the Department in the enrollment case of Loula West et al., there is inclosed herewith for your information, circular giving procedure to be followed in the presentation of cases of this character.

Respectfully,

Circular.

Commissioner.

MEMORANDA.

(Date)

1899.

Name

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County

Year

Page

No.

County

Year

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No.

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Year

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No.

County

Year

Page

No.

2112

COPY /

CERTIFICATE OF MARRIAGE.

This certifies That on the twenty-seventh day of
October, in the Year of Our Lord 1897,

Mr. Oscar H. Hawkins

and

Miss Minnie E. Hunt

were by me united in marriage at the home on Sixth St., Fort
Smith, according to the laws of the state of Arkansas.

(Signed) O. L. Hailey,

Pastor Baptist Ch.

Witnesses

Choc James C. Henry

no 2 Dismissed may 13, 1904

no 3 Dismissed may 27, 1904

D 273



DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

-----o-----

Record in the matter of the application for enrollment
as an intermarried citizen of the Choctaw Nation of:

EMMA HENRY ----- 7-D-273.

-----o-----

1173

Commission to the Five Civilized Tribes,

Hartshorn, Indian Territory.

In the enrollment of James C. Henry as Choctaw by blood;
being sworn and examined by Com'r McKern he testifies:

James C. Henry, 23 years old.

Q Where have you been living? A In Mississippi up till nearly five years ago., and then I came to this country.

Q How long have you been living in the Choctaw Nation?

A It will be five years in December.

Q Have you lived here all the while? A Yes sir.

Q Nowhere else? A Not since I came here five years ago.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to the named Commission, that this
transcript is a true and correct translation of
my stenographic notes.

W. D. McKern

CERTIFICATE OF RECORD OF MARRIAGES

UNITED STATES OF AMERICA }
THE INDIAN TERRITORY } SCT
CENTRAL DISTRICT }

I, E. J. FANNIN, Clerk of the United States Court in the Indian Territory and District aforesaid, DO HEREBY CERTIFY that the License for and Certificate of the Marriage of

Mr. *James C. Fannin* and
Miss Anna B. Fannin

were filed in my office in said Territory and District the *16* day of *November* A D. 189*8* and duly recorded in Book *One* of Marriage Record, Page *229*

WITNESS my hand and seal of said Court, at
Wannacore this *16*
day of *November* A D. 189*8*

E. J. FANNIN, Clerk.

By *E. J. Fannin* Deputy



MARRIAGE LICENSE



UNITED STATES OF AMERICA
THE INDIAN TERRITORY
CENTRAL DISTRICT

SS.

To any Person Authorized by Law to Solemnize Marriages--GREETING:

You are hereby commanded to solemnize the Rite and publish the Bans of Matrimony between
Mr. James B. Henry
of Creek County in the Indian Territory, aged 22
years, and Miss Emma Delaney
of Creek County in the Indian Territory, aged 18
years, according to law, and do you officially sign and return this
License to the parties therein named.

WITNESS My hand and official seal, this 12th day of December A. D. 1898

[Signature]

Clerk of the U. S. Court

J. P. F. Vaneer

Deputy

CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA
INDIAN TERRITORY
CENTRAL DIST

SS.

DO HEREBY CERTIFY That on the _____ day of _____ A. D. 189 ,

I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Bans of **MATRIMONY** between the parties therein named.

Witness my hand this _____ day of _____ A. D. 189 .

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory.

Central District Book

Page



NOTE--This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of the Indian Territory, from whence it was issued, within sixty days from the date thereof in the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100.00)

7-D-273.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emma Henry for enrollment as a citizen by intermarriage of the Choctaw Nation.

-----o-----

The applicant, Emma Henry, nee Belshey, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one James C. Henry. The right of the applicant's husband, James C. Henry, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of March 21, 1904, in case No. 54, upon the South McAlester docket of said court, it is hereby ordered that the application of Emma Henry for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.

Muskogee, Indian Territory,

Choctaw D-273

Muskogee, Indian Territory, May 13, 1904.

Emma Henry,

Poteau, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 13, 1904, dismissing your application for enrollment as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

(SIGNED)

James B. Riddle

Chairman.

Registered.

Incl. 7-D-273.

Choctaw D-273.

COPY.

Muskogee, Indian Territory, May 13, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

Inclosed herewith you will find a copy of the order of
this Commission, dated May 13, 1904, dismissing the application
of Emma Henry for enrollment as a citizen by intermarriage of the
Choctaw Nation.

Respectfully,

(SIGNED)

Tamr Bixby.

Chairman.

Incl. 7-D-273.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----O-----

Record in the matter of the application for enrollment
as a citizen by blood of the Choctaw Nation of:

Golda G. Henry,

7-D-273.

-----O-----

IN RE

Application for Enrollment of

INFANT CHILD

Golda G. Henry

as a citizen of

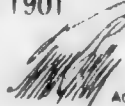
Choctaw Nation.Approved, **MAY 20 1901** 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 20 1901



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Golda G. Henry, born on the 24th day of April, 1900
(Here insert name of child)
Name of Father: James C. Henry, a citizen of the Choctaw Nation.
Name of Mother: Emma Henry, a citizen of the United States Nation.
Post-office, Poteau Ind-Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.

INDIAN TERRITORY.

Central

District.

I, Emma Henry, on oath state that I am Twenty
years of age and a citizen, by _____, of the United States Nation;
that I am the lawful wife of James C. Henry, who is a citizen, by
Blood, of the Choctaw Nation, that a girl child was
(male or female)
born to me on the 24th day of April, 1900 that said child has been
named Golda G. Henry, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)Emma HenrySubscribed and sworn to before me this 4th day of May, 1901.C. M. Bagwell
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA.

State of Arkansas
Franklin CountyIndian Territory
Central District

I, William E. Jones, a Physician, on oath state that I
attended on Mrs. Emma Henry, wife of James C. Henry,
on the 24th day of April, 1900; that there was born to her on
said date a Female child; that said child is now living and is said to have been
(male or female)
named Golda G. Henry.

WITNESSES TO MARK:

(Must be Two
Witnesses)William E. JonesSubscribed and sworn to before me this 4th day of May, 1901.C. M. Bagwell
NOTARY PUBLIC.

ABO

7-D-273.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application for the enrollment of
Golda G. Henry as a citizen by blood of the Choctaw Nation.

-----o-----

The applicant, Golda G. Henry, claims her right to enrollment as a citizen by blood of the Choctaw Nation through her father James C. Henry. The right of the applicant's father, James C. Henry, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, March 21, 1904, in case No. 54, upon the South McAlester docket of said court, it is hereby ordered that the application of Golda G. Henry for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

7- D- 273.

CONFIDENTIAL

Muskogee, Indian Territory, June 8, 1904.

James C. Henry,

Poteau, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as a citizen by blood of the Choctaw Nation of Golda G. Henry.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. 7- D- 273.

7- D- 273.

Muskogee, Indian Territory, June 8, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as a citizen by blood of the Choctaw Nation of Golda G. Henry.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

Registered.

Incl. 7- D- 273.

See Choctaw R- 650 for registry receipt for this letter.

Muskogee, Indian Territory, May 20, 1901.

Mr. James C. Henry,

Poteau, Indian Territory.

Dear Sir:

The Commission is in receipt of an application for enrollment as a citizen of the Choctaw Nation of Golda G. Henry, the infant daughter of James C. and Emma Henry, born April 24, 1900, and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

7-D-273.

MEMORANDA.

(Date)

1899.

Name

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County

Year

Page

No.

County

Year

Page

No.

County

Year

Page

No.

County

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Page

No.

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Page

No.

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Page

No.

County

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Page

No.

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D 2113

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



12944

James C. Henry,

Potsau, Indian Territory.

Reg 16.

Class 16

7- D- 273.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 8, 1904.

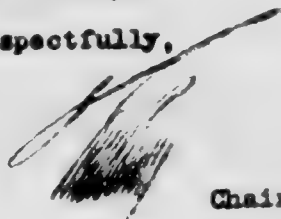
James C. Henry,

Poteau, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as a citizen by blood of the Choctaw Nation of Golda G. Henry.

Respectfully,



Chairman.

Registered.

Incl. 7- D- 273.

Choc 0274 James M. Hawkins
and

0274

D. 274

James M. Mcandrews
Adm.

Application filed prior to September 25 1902 the date of the
expiration of the charter and extension agreement.

Commission to the Five Civilized Tribes,

Hartshorne, Indian Territory.

In the enrollment of James M. Hawkins as Mississippi Choctaw;
being sworn and examined by Com'r McKennon he testifies:

James M. Hawkins, fifty-three years old.

Q Where have you been living? A I was born and raised in Mississippi; I have been living at and near Jensen for about eight years.

Q In the Choctaw Nation or Arkansas? A Principally in Arkansas, but for the last two or three years in the Territory.

Q When did you move into the Territory? A Well I said two or three, it was sometime in August 1897.

Q Did you move your family into the Territory? A Yes sir

Q Been living there since? A Yes sir.

Q Haven't lived elsewhere? A No sir., only a very short time; I went back on my place and staid there only a short time and come back to the Territory, and with that exception I have been in the Territory all the time.

Department of the Interior,

Commission to the Five Civilized Tribes

and to the Five Civilized Tribes, such as

by the Commission, that this

is a true, full and correct translation of

the graphic notes.

[Signature]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T. December 6th, 1900.

Choctaw Nation

vs. No. D. 274.

James M. Hawkins.

In the matter of the application of James M. Hawkins for enrollment as a citizen of the Choctaw Nation.

On December 6th, 1900, at a session of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, the above entitled cause being called for further hearing, and the Choctaw Nation appearing by Mr. Melvin Cornish, its counsel, the following proceedings were had, viz:

J. F. MATHIS, being sworn by Acting Chairman, was examined upon behalf of the Choctaw Nation by Mr. Cornish, and testified as follows:

Q What is your name? A J. F. Mathis.

Q What is your age? A Sixty-two.

Q You are a citizen of the United States? A Yes, sir.

Q Reside at Jenson, Arkansas? A Yes, sir.

Q Do you know Mr. James M. Hawkins? A Yes, sir.

Q Does he also live at Jenson? A Yes, sir.

Q How long have you known him, Mr. James M. Hawkins?

A Why, it was nine years ago.

Q Has he lived at Jenson and about Jenson during that time?

A Yes, sir.

Q You first met him nine years ago? A Yes, sir; I think it was about nine years ago.

Q It was in 1891 or 1892? A Yes, sir.

Q Where did he live at that time? A Jenson.

Q Did he live on the Arkansas side? A Yes, sir.

Q Did he own his home on the Arkansas side? A Yes, sir.

Q What kind of a place did he have? A It was a town lot and a residence.

Q What was his business? A Blacksmith.

Q He maintained a business and worked at his business in the shop? A Yes, sir.

Q Where is the shop? A It is on the Arkansas side.

Q Does he still operate that shop? A Yes, sir.

Q How long did he live in the residence house which you have described?--continuously from the time you first knew him up until what time? A My recollection is that he moved to the Nation.

Q You knew him in 1891 and he was living in a residence house on the Arkansas side. Now, how long did he live in the house on the Arkansas side? A Well, I suppose about five years.

Q That brought him until about what time, about 1896? A Yes, sir.

Q Now, do you remember accurately about that date, Mr. Mathis? A Why I can't remember positively, it is my best recollection, though, that he moved-----

Q (interrupting) Now, do you remember it to have been in 1896 or 1897? What is your recollection about that? A I can't say positive.

Q What is your best recollection now? A My best recollection

is 1896.

Q Isn't it a fact that he was elected Justice of the Peace of Cole Township, State of Arkansas, at the fall election in 1896?

A I cannot be positive.

Q Well, he was elected justice of the peace about that time, was he? A Yes, sir.

Q That was in 1896 that he was elected? A I can't say.

Q How long did he serve as Justice of the Peace? A Well, until he left.

Q Do you state positively that when he moved across the Indian Territory line that he resigned as Justice of the Peace?

A No, sir; I am not positive about that.

Q You have no recollection about that? A No, sir.

Q You are clear that he was elected justice of the peace about that time? A Yes, sir.

Q And you think it was in 1896 that he was elected justice of the peace? A Yes, sir.

Q When did he move just across the Indian Territory line?

A My recollection is it was in August, 1896 or 1898.

Q You are not positive which? A No, sir.

Q Into what house did he move on the Indian Territory side?

A Into the parsonage.

Q Did he own the parsonage? A No, sir.

Q Who owned it? A It belonged to the Methodist Church.

Q He lived into the parsonage. At the time he moved into it was there anybody else in there? A I don't think there was anybody occupying it.

Q When did he---when did the wife of this man James M. Hawkins die? A She died sometime last January or February.

Q That is January of February of 1900? A Yes, sir.

Q Then his wife moved with him into the parsonage? A Yes, sir.

Q Were there some other relations of this man Hawkins living in the parsonage at the time he moved in there? A Not the first time.

Q How long did he live in the parsonage after he moved in there the first time? A It was something over twelve months.

Q Where did he then move? A He moved down further in the Nation on a place that belonged to Walls.

Q Thomas J. Walls? A I think so.

Q Well, how long did he live there? A I don't remember. He lived there from the spring-----

Q When did he move back to his place. A I don't remember whether he moved back or not. My recollection is that he went from there to the Section House.

Q Now where is the Section House? A It is on the Territory side.

Q How long did he live there? A Two or three months.

Q Did he move back to his house on the Arkansas side? A Not to my knowledge.

Q Does he still own that house? A I think so.

Q Where does he live now? A In the parsonage.

Q Who does he live with? A His son-in-law.

Q Is his business still on the Arkansas side? A Yes, sir.

CROSS-EXAMINATION ----- By Mr. C. W. Bagwell.

Q Mr. Mathis, I will ask you if he had not bought or contracted for a place in the Nation before that that you had possession of under a lease or contract, before he moved? A Before he moved to the Territory?

Q Yes, sir. A No, sir. What is the question.

Q I asked you about the time or before he moved to the Territory first if he had not bought or contracted for a place at Mr. Mathis,

3.

yourself, owned under a lease or contract, and you say ~~xxx~~ he had not. Well, soon after then, didn't he buy the place you held under a lease or contract? A Yes, sir.

Q He has not been able to get possession of that place, has he? A No, sir. Would you like a little explanation of that? A N

Q No, that is all.

Witness excused.

-----o-----

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in this application, and that the foregoing is a true, correct and complete transcript of his stenographic notes taken at the time and place abovementioned.

Wm. J. McShea

Subscribed and sworn to before me this 7th day of December, 1900.



Acting Chairman.

CHOCTAW.

INDEXED

32.

IN RE
THE DEATH OF

John J. ...
a citizen of the
Choctaw Nation.

Approved

AUG 15 1901

1



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 15 1901



ACTING ...

CHOCTAW.

K 274

✓

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *James M. Hawkins*
(Here insert name of deceased.)
 a citizen of the *Choctaw* Nation, who formerly resided at or near
Poteau, Ind. Ter., and died on the *28* day of *April*,
(Here insert name of post office.) 1901

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,

Central

District.

I, *Osceola Hawkins*, on oath state that I am *31*
 years of age and a citizen, by *Poteau*, of the *Choctaw* Nation;
 that my post office address is *Poteau*, Ind. Ter.; that I am
(Here insert name of post office.)
 a *son* of *James M. Hawkins*,
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by *Poteau*, of the *Choctaw* Nation;
 and that said *James M. Hawkins* died on the *23* day of
(Here insert name of deceased.) *April*, 1901

WITNESSES TO MARK:

(Must be Two
Witnesses.)Subscribed and sworn to before me this *9* day of *August* 1901

C. M. Bagwell
My Com. Exps. 3-8-1904 Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,

Central

District.

I, *John A. Lowrey*, on oath state that I am
~~23~~ of age, and a citizen, by *Poteau*, of the *United States* Nation;
 that my post office address is *Poteau*, Ind. Ter.
(Here insert name of post office.)
 that I was personally acquainted with *James M. Hawkins*,
(Here insert name of deceased.)
 who was a citizen, by *Poteau*, of the *Choctaw* Nation;
 and that said *James M. Hawkins* died on the *23* day of
(Here insert name of deceased.) *April*, 1901

WITNESSES TO MARK:

(Must be Two
Witnesses.)Subscribed and sworn to before me this *10* day of *August* 1901

C. M. Bagwell
 Notary Public

Muscogee, Indian Territory,

August, 18th, 1900.

James M. Hawkins,

Jenson, Ark.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with the Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-274.

Muskogee, Indian Territory, November 23, 1900.

James M. Hawkins,

Jenson, Arkansas.

Dear Sir:

The Commission is in receipt of your letter of the 8th of November, in which you state that you have received notice from the Choctaw Nation through its representatives, Mansfield, McMurray & Cornish, that a protest has been entered to your enrollment as a citizen of the Choctaw Nation.

Messrs. Mansfield, McMurray & Cornish in their letter of recent date to which you refer, undoubtedly notified you of the objection being made to your enrollment and the enrollment of other members of your family as citizens of the Choctaw Nation.

The Commission cannot at this time go into a discussion as to the rights of these contested applicants to enrollment as citizens of the Choctaw Nation. The appointment of the Commission at Atoka has been made for this purpose and at that time the Commission will hear and consider any testimony you may offer in support of your rights and the rights of the members of your family to enrollment as citizens of the Choctaw Nation.

If however, you do not desire to appear at that appointment, the Commission will as soon as practicable thereafter take up for consideration your case and finally determine as to your rights and the rights of the members of your family to enrollment as citizens of the Choctaw Nation.

Yours truly,

Muskegee, Indian Territory, July 27, 1901.

Mr. Oscar P. Hawkins,
Poteau, Ind, Ter.

Dear Sir:

Referring to your letter of the 19th instant, it is noted that you state therein that your father, James H. Hawkins, is dead.

For the purpose of making his death a matter of record, there is inclosed you herewith a blank for proof of death, which you are kindly requested to have properly executed, and return to this office at your earliest convenience. Care should be taken that all blanks are properly filled, all names written in full, and in event either the relative or the acquaintance whose names are affixed to the affidavits are unable to write, and their signatures are by mark, that such signatures be attested by two disinterested parties, witnesses thereto.

The notary public before whom the affidavits of the relative and the acquaintance are acknowledged, must affix his notarial jurat and seal to each separate affidavit.

Yours truly,

7D-274
env
D. C.

Commissioner in Charge.

Muskegee, Indian Territory, August 18, 1901.

Mr. Oscar J. Hawkins,
Poteau, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your affidavit and that of John A. Lowrey, relative to the death of your father, James M. Hawkins, which occurred April 23, 1901, and the same being in proper form have been duly filed with the records of the Commission.

Yours truly,

Commissioner in Charge.

7-D 274

Mc

MEMORANDA.

(Date) *Jan 11* 1899.

534

Name *James M. Lawrence*

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

✓ No
James M. Lawrence
Choctaw
Jan 11 1899

4214

Choc D275 Willie Hawkins

no 2 Dismissed May 13, 1904

no 3 Dismissed May 27, 1904

D275

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

Record in the matter of the application for enrollment
as an intermarried citizen of the Choctaw Nation: of:

MARIETTA HAWKINS-- ----- 7-D-275.

-----0-----

Commission to the Five Civilized Tribes,
Hartshorne, Indian Territory.

In the enrollment of Willie Hawkins as Mississippi Choctaw;
being sworn and examined by Com' r McKennon he testifies:

Willie Hawkins, twenty-five years old.

- Q Where have you been living? A In the Territory.
Q How long? A About six years.
Q Continuously? A Yes sir, I have not been out of the Nation.
Q Living here all the while? A Yes sir.
Q You have married now have you? A Yes sir.
Q When did you marry? A 9th of April, 1899.

Department of the Interior,

Commission to the Five Civilized Tribes

I hereby certify that the official book of
this Commission, that this
transcript is a true and correct translation of
my stenographic notes.)

W. D. Green

10270

CERTIFICATE OF RECORD OF MARRIAGES

UNITED STATES OF AMERICA }
THE INDIAN TERRITORY } SCT.
CENTRAL DISTRICT }

I, E. J. FANNIN, Clerk of the United States
Court in the Indian Territory and District aforesaid,
DO HEREBY CERTIFY that the License for and
Certificate of the Marriage of

Mr. *M. J. Sawyer* and
Mrs. *Maretha C. Coffey*

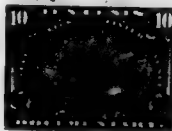
were filed in my office in said Territory and District
the *11* day of *April*, A. D.
189*7*, and duly recorded in Book *One* of
Marriage Record, Page *267*

WITNESS my hand and seal of said Court, at

Cameron this *11*
day of *April*, A. D. 189*7*

E. J. FANNIN, Clerk.

By *E. J. Fannin* Deputy.



TAHARA-LINE PRINTING CO., PORT SMITH, AR.

MARRIAGE LICENSE



UNITED STATES OF AMERICA
THE INDIAN TERRITORY
CENTRAL DISTRICT

SS.

To Any Person Authorized by Law to Solemnize Marriage...GREETING:

You are hereby commanded to solemnize the Rite and publish the Bans of Matrimony between Mr. William H. Macpherson of Deflore in the Indian Territory, aged 24 years, and Mrs. Marietta Lafford of Deflore in the Indian Territory, aged 24 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS My hand and official seal, this 7th day of April A. D. 1897

John F. ...

Clerk of the U. S. Court

John F. ...

Deputy

CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA
INDIAN TERRITORY
CENTRAL DIST.

SS.

I, Joseph B. Barnes
a ordained minister

DO HEREBY CERTIFY That on the 9 day of April A. D. 1897

I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Bans of MATRIMONY between the parties therein named.

Witness my hand this 9 day of April A. D. 1897

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory,

Central District, Book 9 Page 61



Joseph B. Barnes
ordained minister

NOTE—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100.00).

186d.
7-D-275.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Marietta Hawkins for enrollment as a citizen by intermarriage of the Choctaw Nation.

-----0-----

The applicant, Marietta Hawkins, nee Gofford, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one Willie Hawkins. The right of the applicant's husband, Willie Hawkins, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of March 21, 1904, in case No. 54, upon the South McAlester docket of said court, it is hereby ordered that the application of Marietta Hawkins for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

COPY
Choctaw D-275

Muskogee, Indian Territory, May 13, 1904.

Marietta Hawkins,

Leflore, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 13, 1904, dismissing your application for enrollment as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

(SIGNED)

James H. Smith
Chairman.

Registered.

Incl. 7-D-275.

Choctaw D-275

COPY.

Muskogee, Indian Territory, May 13, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated May 13, 1904, dismissing the application of Marietta Hawkins for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tamm Dickey

Chairman.

Incl. 7-D-275.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment
as a citizen by blood of the Choctaw Nation of:

Velma Gertrude Hawkins,

7-D-275.

-----o-----

IN RE

Application for Enrollment of

INFANT CHILD

Velma Gertrude Hawkins

as a citizen of

Choctaw

Nation.

Approved

MAY

1902

190

C. R. Rustenburg
CommissionerDEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 1 1902

ACTING CHAIRMAN.

1-21-

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Velma Gertrude, born on the 21st day of December, 1901
(Here insert name of child)
Name of Father: Willie H. Hawkins, a citizen of the Choctaw Nation.
Name of Mother: Marietta Hawkins, a citizen of the Choctaw Nation.
Post-office Lexington, Ia.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Marietta Hawkins, on oath state that I am 27
years of age and a citizen, by marriage, of the Choctaw Nation;
that I am the lawful wife of Willie H. Hawkins, who is a citizen, by
Blood, of the Choctaw Nation; that a female child was
(male or female.)
born to me on 21st day of December, 1901; that said child has been
named Velma Gertrude, and is now living.

WITNESSES TO MARK:

(Must be Two)
Witnessesx Marietta Hawkins

Subscribed and sworn to before me this

5th

day of

March

1902

Myron L. Jones
Feb 26 1906.

James C. Benson
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Alma Ragland, a nurse, on oath state that I
attended on Mrs. Marietta Hawkins, wife of Willie H. Hawkins
on the 21st day of December, 1902 that there was born to her on
said date a female child; that said child is now living and is said to have been
(male or female.)
named Velma Gertrude.

WITNESSES TO MARK

(Must be Two)
Witnessesx Alma Ragland

Subscribed and sworn to before me this

5th

day of

March

1902

Myron L. Jones
Feb 26 1906

James C. Benson
NOTARY PUBLIC

7-D-275.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application for enrollment as a
citizen by blood of the Choctaw Nation of Velma Gertrude Hawkins.

-----o-----

The applicant, Velma Gertrude Hawkins, claims her right to enrollment as a citizen by blood of the Choctaw Nation through her father Willie Hawkins. The right of the applicant's father, Willie Hawkins, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, March 21, 1904, in case No. 54, upon the South McAlester docket of said court, it is hereby ordered that the application of Velma Gertrude Hawkins for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

COPY: 7- D- 275.

Muskogee, Indian Territory, June 8, 1904.

Willie Hawkins,

Leflore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as a citizen by blood of the Choctaw Nation of Velma Gertrude Hawkins.

Respectfully,

(SIGNED)

Registered.

Chairman.

Incl. 7- D- 275.

COPY: 7- D- 275.

Muskogee, Indian Territory, June 8, 1904.

Manefield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as a citizen by blood of the Choctaw Nation of Velma Gertrude Hawkins.

Respectfully,

(SIGNED)

Registered.

Chairman.

Incl. 7- D- 275.

See Choctaw R- 650 for registry receipt for this letter.

Muskogee, Indian Territory, March 7, 1902.

Willie H. Hawkins,

LeFlore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Velma Gertrude Hawkins, the infant daughter of Willie H. and Marietta Hawkins, born December 21, 1901, and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

7-D-275
7--4786

Muskogee, Indian Territory, August 28, 1905.

Bond & Melton,
Attorneys at Law,
Chickasha, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of August 23, 1905, asking if a hearing can be had in the matter of the applications of J. C. Grey and F. P. Morgan for enrollment as intermarried citizens of the Choctaw Nation; you state the last case was heard on the 16th of this month, and that you were of the opinion, cases involving about the same questions and having about the same status, would have been passed on before this; you therefore request that the case of F. P. Morgan be set down and heard within the next thirty to sixty days. With reference to the case of J. C. Grey, you state this applicant died sometime ago, and you would like to have blanks to make proof of his death; you also wish to be informed if this case can be taken up on the testimony heretofore introduced.

In reply to your letter you are advised that if you desire to introduce testimony tending to establish the tribal recognition and enrollment of John C. Grey and Frank P. Morgan as intermarried citizens of the Choctaw Nation prior to 1896,

B. & M. #2

the same will be heard at this office at any time agreed upon between the attorneys for the applicants and the attorneys for the Choctaw and Chickasaw Nations, or upon proper proof of service of notice of the time and place of the taking of testimony upon the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner.

Ad 1710

MEMORANDA.

(Date)

2/1/1899
1899.

35
Name *W. H. C.*

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

24 Wife's name, *W. H. C.*

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen? *7*

Married under what law?

License filed this day *his*

Names of children:

County

Year

Page

No.

County

Year

Page

No.

County

Year

Page

No.

County

Year

Page

No.

County

Year

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Year

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No.

County

Year

Page

No.

County

Year

Page

No.

210

Choc D 276 Mary E. Williams

nos 2-3d4 Dismissed May 27, 1904

D276

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-- -0----

Record in the matter of the application for enrollment
as citizens by blood of the Choctaw Nation of:

William A. Williams, et al.,

7-L-276.

---0----

70276
In re. Application
for enrollment of
Infant child

a citizen of the
Choctaw Nation

Department of the Interior,
Commission to the Five Civilized Tribes.

In re Application for Enrollment, as a
citizen of the Choctaw Nation, of
~~William~~ A. Williams, born on the
day of October 1897.

Name of Father; Robert Williams,
a citizen of the United States.

Name of Mother; Bettie Williams,
a citizen of the Choctaw Nation.

Post office, Stigler Ind. Ter.

Affidavit of Mother.
United States of America }
Indian Territory }
Central District }

I, ^{Mary E.} ~~Bettie~~ Williams, on oath, state that
I am 19 years of age, and a
citizen, by blood, of the Choctaw
Nation; that I am the lawful wife
of Robert E. Williams, who is
a citizen of the United States;
that a male child was born to
me, on the 18 day of October 1897;
that said child has been named
William Albert Williams, and is now living.

Mary E. Williams
Subscribed and sworn to before me
this 27th day of June 1899

L. M. Bagwell

Notary Public
My Commission Expires 2-20th 1900

Affidavit of Attending Physician or Midwife
United States of America }
Indian Territory }
Central District. }

I, ~~J. J. Harbour~~ Harbour a Physician, on
oath, state that I attended on
Mrs. ^{Mary E.} ~~Belle~~ Williams, wife of
Robert E. Williams, on the 18th
day of October 1899; that then
was born to her on said date
a male child; that said child
is now living and is said to
have been named William Albert
Williams -

J. J. Harbour M.D.

Subscribed and sworn to before me
this 27th day of June 1899

Attest

H. J. Fowler
Notary Public

My Commission Expires - 2/17 1902

70276
In re Application
for Enrollment of
Infant Child

a citizen of the
Choctaw Nation

Department of the Interior
Commission to the five Civilized Tribes.

In re Application for Enrollment, as a
Citizen of the Choctaw Nation, of
Eula Ather. Williams, born on the
28 day of February, 1899.

Name of father; Robert E. Williams,
a citizen of the United States.

Name of Mother; ^{Mary E.} ~~Eddie~~ Williams,
a citizen of the Choctaw Nation

Post Office Stiglar Ind. Ter.

Affidavit of Mother,
United States of America }
Indian Territory }
Central District }

^{Mary E.}
I ~~Eddie~~ Williams, on oath, state
that I am 19 years of age, and
a citizen by blood of the Choctaw
Nation; that I am the lawful
wife of Robert E. Williams,
who is a citizen of the United States;
that a male child was born to me
on the 28 day of February, 1899;
that said child has been named
Eula Ather. Williams, and is now
living

Mary E. Williams
Sworn and subscribed to before me
this day of 1899

L. W. Bagwell
Notary Public

My Commission Expires. 20 day of Feb. 1900

Affidavit of Attending Physician or Midwife.
United States of America
Indian Territory
Central District.

I, J. H. Murphy a Physician, on
oath state that I attended on
Mrs. ~~William~~ Williams, wife of
Robert E. Williams, on the 28
day of Feb. 1899; that there was
born to her on said date a
male child; that said child
is now living and is said to
have been named Eula ~~Other~~
Williams

J. H. Murphy M.D.
Subscribed and sworn to before me
this 27 day of June 1899

Notary Public -
My Commission Expires

J. H. Alexander

Done

IN RE

Application for Enrollment of

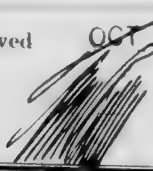
INFANT CHILD

Audrey L. Williams

(as a citizen of

Choctaw Nation.

Approved OCT - 9 1901 190




Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 9 1901



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,
of *Andrew E. Williams*, born on the *25* day of *August*, *1901*
Name of Father: *Robert E. Williams* a citizen of the *United States* Nation.
Name of Mother: *Mary E. Williams* a citizen of the *Choctaw* Nation.
Post-office *Potomac Ind. Ter.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, *Mary E. Williams*, on oath state that I am *22*
years of age and a citizen, by *blood* of the *Choctaw* Nation;
that I am the lawful wife of *Robert E. Williams*, who is a citizen, by
of the *United States* Nation; that a *female* child was
born to me on *25* day of *August*, *1901*; that said child has been
named *Andrew E. Williams*, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses)

Mary E. Williams

Subscribed and sworn to before me this *5th* day of *October*, *1901*.

L. M. Bagwell
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, *J. B. Wear*, a *Physician*, on oath state that I
attended on *Mrs. Mary E. Williams*, wife of *Robert E. Williams*
on the *25th* day of *August*, *1901*; that there was born to her on
said date a *female* child; that said child is now living and is said to have been
named *Andrew E. Williams*.

WITNESSES TO MARK:

(Must be Two Witnesses)

J. B. Wear, M.D.

Subscribed and sworn to before me this *5th* day of *October*, *1901*.

L. M. Bagwell
NOTARY PUBLIC

160

7-L-276.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application for the enrollment of William A. Williams, Eula O. Williams and Audrey J. Williams as citizens by blood of the Choctaw Nation.

-----o-----

The applicants, William A. Williams, Eula O. Williams and Audrey J. Williams, claim their right to enrollment as citizens by blood of the Choctaw Nation through their mother Mary E. Williams. The right of the applicants' mother, Mary E. Williams, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, March 21, 1904, in case No. 54, upon the South McAlester docket of said court, it is hereby ordered that the application of William A. Williams, Eula O. Williams and Audrey J. Williams for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

Choctaw D-276

COPY:

Muskogee, Indian Territory, June 8, 1904.

Mary E. Williams,

Purdy, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of William A. Williams, Lula O. Williams and Audrey J. Williams.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. 7-D-276.

COPY.

Choctaw B-276

Muskogee, Indian Territory, June 8, 1904.

Mansfield, McMurray & Cernish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of William A. Williams, Eula O. Williams and Audrey J. Williams.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

Registered.

Incl. D-276.

(See Choctaw R-650 for registry receipt for this letter.)

Muskogee, Indian Territory, October 9, 1901.

Robert E. Williams,

Pateau, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Audrey J. Williams, the infant daughter of Robert E. and Mary E. Williams, born August 25, 1901, and the same being in proper form has been accepted as evidence of the birth of this child.

Yours truly,

Acting Chairman.

7-D-276

Muskogee, Indian Territory, April 10, 1902.

Mary E. Williams,

Purdy, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 6th instant asking if your claim as a citizen of the Choctaw Nation will be allowed, and also asking if certain people are on the Choctaw rolls.

Replying to your letter you are informed that the Commission has not up to this time rendered a decision in the matter of your application for enrollment of yourself and your minor children as citizens of the Choctaw Nation but contemplates doing so in the near future, and when a decision is rendered you will be duly advised as to the action of the Commission.

You are further informed that on September 14, 1898, John Mitchell, 60 years of age of Jeffs, Indian Territory, and his minor children, and Andrew J. Mitchell, 54 years of age, of Jeffs, Indian Territory, were listed for enrollment by this Commission as citizens of the Choctaw Nation, having been admitted to such citizenship by judgment of the United States Court for the Central District, Indian Territory, rendered August 25, 1897, in Choctaw

NEWS

On September 15, 1898, Alfred H. Mitchell, 25 years of age, and his minor children, were listed for enrollment as citizens of the Choctaw Nation, having been admitted to such citizenship by the judgment of court above referred to.

It does not appear from the records of this office that any person by the name of Liszy Ball has ever been listed for enrollment as a citizen of either the Choctaw or Chickasaw Nations or that any application has been made for such enrollment.

Yours truly,

Commissioner in Charge.

MEMORANDA.

(Date) June 1, 1899.

Name

Choctaw? County

Year No.

Chickasaw? County

Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

19 ✓

Wife's name, William

Choctaw? County

Year No.

Chickasaw? County

Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

2 x /
6 ms
*

County

Year Page No.

County

Year Page No.

County

Year Page No.

County

Year Page No.

County

Year Page No.

County

Year Page No.

County

Year Page No.

County

Year Page No.

County

Year Page No.

County

Year Page No.

276

Commission to the Five Civilized Tribes,
Hartshorne, Indian Territory.

In the enrollment of Mary E. Williams and children as Mississippie Choctaws; Robert E. Williams being sworn and examined by Com'r McKennon testifies as follows:

- Q What is your name? A Robert E. Williams.
- Q What is your age? A 28.
- Q Are you the husband of Mary E. Williams who was admitted to citizenship in this decree of the United States Court dated August 26th 1897, case number 27? A Yes sir.
- Q Where has she been living recently, last few years?
- A Last two years we have been living in Sans Bois County.
- Q How long has she been living in the Choctaw Nation?
- A About five years.
- Q All the while? A Yes sir.
- Q Nowhere else? A No sir, not during the last five years.
- Q Have you any children born since this judgment was rendered?
- A Yes sir, she has two children.
- Q What 's the name of the oldest one? A William Albert
- Q What's the date of its birth? A October 18th, 1897.
- Q What's the next one's name? A Eula O.
- Q When was she born? A It is a boy, born the 28th of February, 1899.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

CHOCTAW D 277

Sarah Davis

Record transferred to

CHOCTAW.

#2410.

Choc D 278 Richard H. Hawkins

no 6 Dismissed may 27, 1904

D 278

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment
as a citizen by blood of the Choctaw Nation of:

Carmon M. Shearer

7-D-273.

-----o-----

Enc B. 7 90

20

INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

Carmon W. Shier

as a citizen of

Choctaw

Nation.

Approved

SEP 20 1902

1902

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 20 1902

CH-OU-AW.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Carmon M. Shearer, born on the 5th day of August, 1902
(Here insert name of child.)
Name of Father: Larena D. Shearer a citizen of the United States Nation.
Name of Mother: Verna Shearer a citizen of the Choctaw Nation.
Post-office Poteau Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Centel District.

I, Verna Shearer, on oath state that I am 9
years of age and a citizen, by Blood, of the Choctaw Nation;
that I am the lawful wife of Larena D. Shearer, who is a citizen, by
of the United States Nation; that a Female child was
(male or female.)
born to me on 5th day of August, 1902; that said child has been
named Carmon M. Shearer, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses)

Verna Shearer.

Subscribed and sworn to before me this

13th

day of

September

1902.

E. M. Bagwell

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, E. E. Shipley, a Physician, on oath state that I
attended on Mrs. Verna Shearer, wife of Larena D. Shearer
on the 5th day of August, 1902; that there was born to her on
said date a Female child; that said child is now living and is said to have been
(male or female.)
named Carmon M. Shearer.

WITNESSES TO MARK:

(Must be Two Witnesses)

E. E. Shipley M.D.

Subscribed and sworn to before me this

15

day of

Sept

1902.

H. A. Hulse, Mayor
Town of Poteau Ind. Territory

866
7-D-273.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application for the enrollment of
Carmon M. Shearer as a citizen by blood of the Choctaw Nation.

--o---

The applicant, Carmon M. Shearer, claims her right to enrollment as a citizen by blood of the Choctaw Nation through her mother Verna Hawkins. The right of the applicant's mother, Verna Hawkins, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, March 21, 1904, in case No. 54, upon the South McAlester docket of said court, it is hereby ordered that the application of Carmon M. Shearer for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.

Muskogee, Indian Territory,

Chootaw D-278

copy.

Muskogee, Indian Territory, June 8, 1904.

Verna Shearer,

Poteau, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as a citizen by blood of the Chootaw Nation of Carmon M. Shearer.

Respectfully,

SIGNED

Jame Bixby.

Registered.

Chairman.

Incl. D-278.

Choctaw D-278

COPY.

Muskogee, Indian Territory, June 8, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as a citizen by blood of the Choctaw Nation of Carmon M. Shearer.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. D-278.

)See Choctaw R-650 for registry receipt for this letter.)

Muskogee, Indian Territory, September 29, 1902.

L.D. Shearer.

Poteau, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th inst., enclosing the application for enrollment as a citizen of the Choctaw Nation of Carmon N. Shearer, infant daughter of Lorenzo D. and Verna Shearer, born August 5, 1902; which was returned to you on the 18th inst. for identification of the mother.

It is stated in your letter that the mother of the child was listed for enrollment at Partshorne, Indian Territory, under the name of Verna Hawkins, and that she is a daughter of Richard H. Hawkins.

You are advised that the information contained in your letter has enabled the Commission to identify the mother of the child; and the application for its enrollment being in proper form has been duly filed with our records as evidence of the birth of this child.

Receipt is also acknowledged of the marriage license and

L D S 2

certificate between Lorenzo D. Shearer and Verna Hawkins, and the same have been duly filed with the records of the Commission in the matter of the application for the enrollment of the above named child, and as authority for the change of the name of the mother upon our records from her maiden name to her present married name.

Respectfully,

Acting Chairman.

MEMORANDA.

(Date)

1899.

Name

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County

Year

Page

No.

County

Year

Page

No.

County

Year

Page

No.

County

Year

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No.

2218

111
C. 278

111

Commission to the Five Civilized Tribes,
Hartshorne, Indian Territory.

In the enrollment of Richard H. Hawkins and children, May,
Verna, Alma and Clifton, as Mississippi Choctaws; being sworn and
examined by Com'r McKennon he testifies:

Q Where have you been living with this family? A In Mississ-
ippi until six years ago I came to the Territory, and I have been
living here ever since.

Q All the while? A Yes sir, for the last six years.

Department of the Interior

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath,
that the foregoing is a true and correct translation of
my stenographic notes.

M. L. Green

No. 1232

Certificate of Record of Marriages.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
District. } SCT:

I, E. J. [Signature] Clerk
of the United States Court in the Indian Territory
and District aforesaid, do hereby CERTIFY that
the License for and Certificate of the Marriage of
Mr. George D. Shaver and
Miss Marion Hawkins was
filed in my office in said Territory and District the
19 day of October A. D. 1901
and duly recorded in Book 1 of Marriage
Record, Page 110

WITNESS my hand and seal of said Court,
at Okla. this 19th
day of October A. D. 1901

E. J. [Signature] Clerk.
By [Signature] Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 29 1902

MARRIAGE LICENSE.

UNITED STATES OF AMERICA.

THE INDIAN TERRITORY.

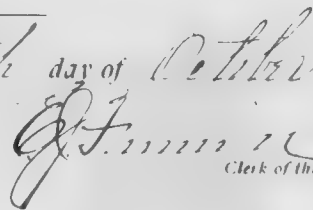
Central District.

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. *Henry S. Stevens* of *Coler* in the Indian Territory, aged 21 years, and Miss *Virginia Matthews* of *Coler* in the Indian Territory, aged 18 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal, this *14* day of *October*, A. D. 190*1*By *J. J. Stevens*

Deputy.



Clerk of the United States Court.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA.

THE INDIAN TERRITORY.

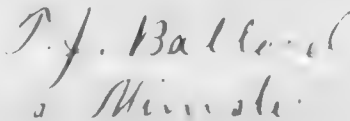
Central District.

1. *T. J. Ballard*2. *Minister of the gospel*

do hereby CERTIFY, that on the *13* day of *October*, A. D. 190*1*, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this *13* day of *October*, A. D. 190*1*

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, Central District, Book *B*, Page *208*



Minister

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of the Indian Territory, when it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of \$10.00 to the United States.

T. 100

Dept 1263-09

Muskogee, Oklahoma, September 1, 1909.

Subject:

In Re application for
enrollment of R. H. Hawkins,
et al., as Choctaw citizens.

....

The Honorable,

The Commissioner of Indian Affairs.

Sir:

I have the honor to acknowledge the receipt of Indian Office communication of August 13, 1909 (Land 64588-1909, JED), transmitting for report letter of Oscar J. Hawkins, of Fort Smith, Arkansas, dated August 7, 1909, wherein he calls attention to the action of the Dawes Commission in denying the enrollment of R. H. Hawkins, et al., as citizens of the Choctaw Nation, and expresses the hope that it is not too late to rectify any mistake that may have been made through lack of knowledge of facts, undue influence or prejudice.

Reporting thereon you are advised that it appears from the records of this office that application was made to the Commission to the Five Civilized Tribes in September, 1896, for the enrollment of R. H. Hawkins,

3.

declared citizens of the Choctaw Nation.

The letter of Oscar J. Hawkins of August 7, 1909,
is herewith returned.

Respectfully,

WHA(VR 1-4)

Commissioner.

B. B. Hawkins, J. M. Hawkins, and Oscar J. Hawkins, and their descendants as citizens of the Choctaw Nation, which application was denied by the Commission December 2, 1896, and thereafter an appeal was taken from said decision to the United States Court for the Central District of the Indian Territory and on August 26, 1897, judgment was rendered by said court, adjudging that the above mentioned persons and their descendants were entitled to be enrolled as members of the Choctaw Tribe of Indians.

It further appears that said judgment of the United States Court, admitting the above mentioned persons and their descendants as citizens of the Choctaw Nation, was vacated and set aside on December 17, 1902, by the Choctaw-Chickasaw Citizenship Court, created by the Act of Congress approved July 1, 1902 (32 Stats. L., 641), and thereafter, on March 12, 1903, an appeal was taken by said R. H. Hawkins, et al., to the Choctaw-Chickasaw Citizenship Court, to the end that the case be reviewed; said court, having heard and considered the case, on March 21, 1904, rendered its final decision, holding that said R. H. Hawkins, et al., were not entitled to be deemed or

Choc D279 Emanuel Hawkins

nos 627 Dismissed May 27, 1904

D279

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment
as citizens by blood of the Choctaw Nation of:

Hansel C. Hawkins, et al.,

7-D-279.

-----o-----

Department of the Interior
Commission to the five civilized Tribes
In re Application for Enrollment,
as a citizen of the Choctaw Nation
of Marshall B. Hawkins born on the
1st day of Nov. 1891

Name of father: E. B. Hawkins a citizen
of the Choctaw Nation.

Name of Mother: Emma Hawkins,
a citizen of United States.

Post Office - Sefton Ind Ter.

Affidavit of Mother
United States of America }
Indian Territory }
Central District - T }

I, Emma Hawkins, on oath state
that I am 31 years of age and a
citizen of the United States
that I am the lawful wife of
E. B. Hawkins, who is a citizen by
blood of the Choctaw Nation.
that a boy child was born to me
on the 1st day of Nov. 1891.
that said child has been named
Marshall B. Hawkins

Emma Hawkins
subscribed and sworn to before me
this 1st day of July 1891

W. H. McPherson

Notary Public

Affidavit of Attending Physician or Midwife
United States of America }
Indian Territory }
Central District }

I H. H. Horvath a Physician
on oath, state that I attended in
Mrs Emma Hawkins, wife of
E. B. Hawkins, on the 1st day of Nov.
1891; that there was born to her on
said date a boy child; that
said child is now living and is
said to have been named
Hansell B. Hawkins.

W. W. Forrester, M.D.

Subscribed and sworn to before me
this 3rd day of July 1891

Robert L. Gifford
my copy expires Dec 17, 1985.

INDEXED

CHOCTAW

IN RE

Application for Enrollment of

INFANT CHILD

Effie Lavada Hawkkins
as a citizen of

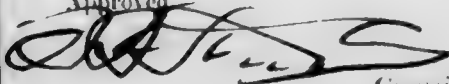
Choctaw

Nation.

JUL 29 1901

Approved

190

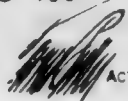


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 29 1901



ACTING CHAIRMAN

9/ 1 2 11

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment as a citizen of the *Choctaw* Nation.
of *Effie Lavada Hawkins*, born on the *26* day of *March*, 1901.
(Here insert name of child)
Name of Father: *E B Hawkins*, a citizen of the *Choctaw* Nation.
Name of Mother: *Emily Hawkins*, a citizen of the *U. S.* Nation.
Post-office, *Leflore I. T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, *Emily Hawkins*, on oath state that I am *36*
years of age and a citizen, by *Birth*, of the *U S* Nation;
that I am the lawful wife of *E B Hawkins*, who is a citizen, by
Blood, of the *Choctaw* Nation, that a *Female* child was
(male or female)
born to me on the *26* day of *March*, 1901; that said child has been
named *Effie Lavada*, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Emily Hawkins

Subscribed and sworn to before me this *25* day of *July*, 1901.

G. P. Dunlap

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, *Mrs Alma Bagland*, a *midwife*, on oath state that I
attended on Mrs. *Emily Hawkins*, wife of *E B Hawkins*,
on the *26* day of *March*, 1901; that there was born to her on
said date a *Female* child; that said child is now living and is said to have been
(male or female)
named *Effie Lavada*.

WITNESSES TO MARK

(Must be Two Witnesses)

Alma Bagland

Subscribed and sworn to before me this *25* day of *July*, 1901.

G P Dunlap

NOTARY PUBLIC

260
7-D-279.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application for the enrollment of
Hansel C. Hawkins and Effie Lavada Hawkins as citizens by blood of
the Choctaw Nation.

-----o-----

The applicants, Hansel C. Hawkins and Effie Lavada
Hawkins, claim their right to enrollment as citizens by blood of
the Choctaw Nation through their father Emanuel Hawkins. The
right of the applicants' father, Emanuel Hawkins, to citizenship
in the Choctaw Nation having been adversely determined by a decree
of the Choctaw and Chickasaw Citizenship Court, March 21, 1904,
in case No. 54, upon the South McAlester docket of said court, it
is hereby ordered that the application of Hansel C. Hawkins and
Effie Lavada Hawkins for enrollment as citizens by blood of the
Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.

uskagee, Indian Territory,

Choctaw D-279

Muskogee, Indian Territory, June 8, 1904.

Emanuel B. Hawkins,

Leflore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of Hansel C. Hawkins and Effie Lavada Hawkins.

Respectfully,

Registered.

Chairman.

Incl. 7-D-279.

Choctaw D-279

Muskogee, Indian Territory, June 8, 1904.

Manfield, McMurray & Cernish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of Hansel C. Hawkins and Effie Lavada Hawkins.

Respectfully,

Registered.

Chairman.

Incl. 7-D-279.

(See Choctaw R-650 for registry receipt for this letter.)

July 29, 1901.

Mr. B. B. Hawkins,

Defton, Ind, Tex.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as citizen of the Choctaw Nation of Effie Lavada Hawkins, the infant daughter of B. B. and Emily Hawkins, born March 2, 1901, and the same being in proper form has been accepted and filed with the records of the Commission as evidence of the birth of your child.

You are informed that when application was made for your enrollment, it was stated that your given name was Emanuel. You are requested to state your reasons for using the initial B. in your given name.

Yours truly,

70-269

Acting Chairman.

Muskogee, Indian Territory, August 5, 1901.

Mr. E. B. Hawkins,

Iefflore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you state that your full name is Emanuel B. Hawkins and that when you were listed for enrollment you gave your name as E. B. Hawkins.

You are informed that your letter has been duly filed with the records of the Commission.

Yours truly,

Commissioner in Charge.

7-D 279

MEMORANDA.

(Date) 1899.

Name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

17 v. J. L. ...	County	Year	Page	No.
12 v. V. ...	County	Year	Page	No.
11 v. Addie	County	Year	Page	No.
5 v. Beatrice	County	Year	Page	No.
2 v. Hansel	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

4119

Commission to the Five Civilized Tribes,
Hartshorne, Indian Territory.

In the enrollment of Emanuel B. Hawkins and children as Choctaw citizens; being sworn and examined by Com'r McKennon he testifies

Name is Emanuel B. Hawkins.

Q Where have you been living with this family? A In the Choctaw Nation, at Le Flore.

Q How long? A About five years.

Q Continuously?

A Yes sir.

Q Haven't lived elsewhere? A No sir.

Q These children all living? A Yes sir.

Q You have another child born? A Yes sir.

Q What's its name? A Hansel C.

Q What's the date of its birth? A November 1st, 1897.

Dept of the Interior,

Commission to the Five Civilized Tribes.

I, J. B. McKennon, an official of the
S. I. McKennon, an official of the Commission, that this
is a true and correct translation of
the foregoing notes.

J. B. McKennon

Commission to the Five Civilized Tribes,

South McAlester, Ind. Ter.

Sept. 12, '02.

In the application of Emanuel Hawkins et al for enrollment as Choctaws; J. M. Nabors sworn and examined by Com'r McKennon testified as follows:

Q What is your name? A J. M. Nabors.

Q How old are you? A Fifty.

Examined by Choc Att'y Shackelford:

Q Do you know the Hawkins? A Yes sir, I know a good many of them.

Q How long have you known them? A I have known ~~them~~ some of them ever since I could recollect; I knew them first in Mississippi.

Q This same family, Emanuel Hawkins and William Hawkins and Jesse Hawkins? A Yes sir.

Q How far did you live from them in Mississippi? A About three miles; he had a mill.

Q Uncle Jess? A Yes sir, he used to run a mill.

Q You grew up with some of ^{those} ~~nix~~ boys? A Yes sir, right in the neighborhood; Uncle Jess didn't have no boys; this other Hawkins, Jim Hawkins, is a nephew of his.

Q What do you know about their claiming to be Choctaws?

A I never heard tell of them claiming to be Choctaws until they came out here.

Q In fact was there any Choctaw blood in them? A No sir, I don't think there was any more than there is in me.

Q You are a white man? A Yes sir.

Q You have got no Choctaw blood? A No sir.

Q Didn't all the time that you knew them in Mississippi and here you didn't know of their ever claiming to be Choctaws, any of them,

Emanuel Hawkins et al #2)

J.M.Nabors, witness)

until they commenced to try to establish their rights?

A No sir, I never did.

Q How many people in that settlement claimed Indian blood at all?

A I never heard of but one.

Q Who was he? A His name was ~~Jimmy~~ Jimmy Mathis, and he claimed to be Cherokee.

Q That was the only Indian in that settlement? A That is the only one I ~~remember~~ ever heard of in that country.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify upon my official oath as
stenographer to above named Commission, that this
transcript is a true and correct translation of
my stenographic notes

J. M. Nabors

Choctaw D-279

ADDRESSES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 8, 1904.

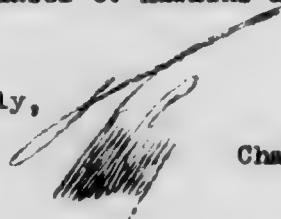
Emanuel B. Hawkins,

Leflore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of Hansel C. Hawkins and Effie Lavada Hawkins.

Respectfully,



Chairman.

Registered.

Incl. 7-D-279.

Choc D280 James S. Bagwell

nos 2+3 Dismissed May 27, 1904

D280

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment
as citizens by blood of the Choctaw Nation of:

Mary Myrtle Bagwell, et al., 7-D-280.

-----o-----

IN RE

Application for Enrollment of
INFANT CHILD.

Mary Myrtle Bagwell

As a citizen of the

Choctaw

Nation.

Approved

1

Commissioner.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the **Choctaw** Nation,
 of **Mary Myrtle Bagwell** born on the **12** day of **January**, **1900**
 Name of father: **James S. Bagwell**, a citizen of the **Choctaw** Nation.
 Name of mother: **Mary Ann Bagwell**, a citizen of the **Choctaw** Nation.
 Post Office: **Cameron, Ind. Ter**

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Central District.

I, **Mary Ann Bagwell**, on oath, state that I am **20** years of age and a
 citizen, by **marriage**, of the **Choctaw** Nation; that I am the
 lawful wife of **James S. Bagwell** who is a citizen, by **blood**, of the
Choctaw Nation; that a **female** child was born to me on the **12** day
 of **January**, **1900**; that said child has been named **Mary Myrtle Bagwell**
 and is now living.

Subscribed and sworn to before me this

73

day of

April

1900

L. J. Sullivan

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Central District.

I, **Martha Brooks**, a **Midwife**, on oath, state that I
 attended on Mrs. **Mary Ann Bagwell** wife of **James S. Bagwell**
 on the **12** day of **January**, **1900**; that there was born to her on said date a **female** child;
 that said child is now living and is said to have been named **Mary Myrtle Bagwell**.

Subscribed and sworn to before me this

73

day of

April

1900

L. J. Sullivan

Notary Public.

IN RE

Application for Enrollment of

6453

INFANT CHILD

Mary Myrtle Bagwell.

as a citizen of the

CHOCTAW. Nation.

Approved, **AUG 22 1900** 1900

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 22 1900

CHOCTAW.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,
 of *Mary Myrtle Bagwell* born on the *17* day of *January*, *1900*
 Name of Father: *James L. Bagwell* a citizen of the *Choctaw* Nation.
 Name of Mother: *Mary Ann Bagwell* a citizen of the *Choctaw* Nation.
 Postoffice: *Cameron*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY.

Central District.

I, *Mary Ann Bagwell*, on oath state that I am *20*
 years of age and a citizen, by *marriage* of the *Choctaw* Nation;
 that I am the lawful wife of *James L. Bagwell*, who is a citizen, by
blood of the *Choctaw* Nation; that a *female* child was
 born to me on the *17* day of *January*, *1900*; that said child has been
 named *Mary Myrtle Bagwell* and is now living.

WITNESSES TO MARK

(Must be Two Witnesses.)

J. M. Garty
A. E. Stiles

Mary Ann Bagwell
mark

Subscribed and sworn to before me this *17* day of *July*, *1900*

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY.

Central District.

I, *Martha Brooks*, a midwife, on oath state that I
 attended on Mrs. *Mary Ann Bagwell* of *J. L. Bagwell*,
 on the *17* day of *January*, *1900*, that there was born to her on
 said date a *female* child; that said child is now living and is said to have been
 named *Mary Myrtle Bagwell*.

WITNESSES TO MARK

(Must be Two Witnesses.)

John Lemmon
Margaret Wade

Martha Brooks
mark

Subscribed and sworn to before me this *17* day of *July*, *1900*

J. M. Garty
A. E. Stiles

INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

Paulah May Bywell

AS A CITIZEN OF

Choctaw Nation.

Approved

190

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 10 1902

[Signature]
ACTING CHAIRMAN.

R 221

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

IX RE Application for Enrollment, as a citizen of the *Cherokee* Nation,
of *Bena Mary*, born on the *20* day of *January*, 190*2*
Here insert name of child
Name of Father: *J. D. Bagwell*, a citizen of the *Cherokee* Nation.
Name of Mother: *Mary Ann Bagwell*, a citizen of the *Cherokee* Nation.
Post-office *Cameron, N.C.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
Cummins INDIAN TERRITORY,
District.

I, *Mary Ann Bagwell*, on oath state that I am *21*
years of age and a citizen, by *marriage* of the *Cherokee* Nation;
that I am the lawful wife of *J. D. Bagwell*, who is a citizen, by
Blood, of the *Cherokee* Nation; that a *female* child was
(male or female.)
born to me on *24* day of *January*, 190*2*, that said child has been
named *Bena Mary*, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses)

Subscribed and sworn to before me this

5

day of

190*2*

M. H. Adams
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
Cummins INDIAN TERRITORY,
District.

I, *W. H. Harrison*, on oath state that I
attended on Mrs. *Mary Ann Bagwell*, wife of *J. D. Bagwell*,
on the *24* day of *January*, 190*2*, that there was born to her on
said date a *female* child; that said child is now living and is said to have been
named *Bena Mary*.

WITNESSES TO MARK

(Must be Two
Witnesses)

Subscribed and sworn to before me this

1

day of

190*2*

W. H. Harrison - M.D.
NOTARY PUBLIC

7-D-230.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

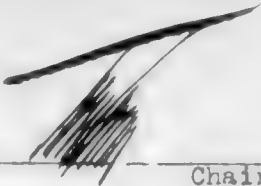
-----o-----

In the matter of the application for the enrollment of Mary Myrtle Bagwell and Beula May Bagwell as citizens by blood of the Choctaw Nation.

-----o-----

The applicants, Mary Myrtle Bagwell and Beula May Bagwell, claim their right to enrollment as citizens by blood of the Choctaw Nation through their father James S. Bagwell. The right of the applicants' father, James S. Bagwell, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, March 21, 1904, in case No. 54, upon the South McAlester docket of said court, it is hereby ordered that the application of Mary Myrtle Bagwell and Beula May Bagwell for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

Choctaw D-280

COPY!

Muskogee, Indian Territory, June 8, 1904.

James S. Bagwell,
Cameron, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of Mary Myrtle Bagwell and Beula May Bagwell.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

Registered.

Incl. 7-D-280.

COPY:

Muskogee, Indian Territory, June 8, 1904.

Frederick & Buckley,
Attorneys at Law,
Cameron, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of Mary Myrtle Bagwell and Beula May Bagwell.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

Registered.

Incl. 7-D-280.

Choctaw D-280

COPY.

Muskogee, Indian Territory, June 8, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of Mary Myrtle Bagwell and Beula May Bagwell.

Respectfully,

(SIGNED)

Jams Bixby.
Chairman.

Registered.

Incl. 7-D-280.

(See Choctaw R-650 for registry receipt for this letter.)

Muskogee, Indian Territory, May 20, 1900.

Mr. James S. Bagwell,

Poteau, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of May 16th, in which you desire to be informed if it will be necessary for you to travel to Atoka to have your child enrolled, stating that you have already made the proper proof of its birth, and forwarded the same to that office, together with the application for the enrollment of your wife.

The records of this Commission show that no such papers have ever been received here for record. As to the application for enrollment of your wife, the same will not have been accepted unless she had appeared in person as an applicant for Indian citizenship. The Commission cannot receive applications for enrollment except upon the personal appearance of the applicant. If sufficient data can be taken under oath, upon which a decision can be made, and also for forwarding the same to the Interior Department as a basis of the law for review.

Letter of the application for enrollment of your child is presented on the proper birth affidavit, and also marriage license between yourself and wife, this will receive attention. If you will state the exact date that you claim

J.W.D. 2.

to have forwarded the above mentioned papers to the Commission, a careful search will be made; but there is at present no record of any such papers ever having been received.

Yours truly,

Acting Chairman.

To Mr. Tolson, Director,
Please refer to 7-D 230

Atoka, Indian Territory, June 6, 1900.

Messrs. Frederick & Buckley,

Attorneys at Law,

Cameron, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the first instant in which you state that your client James D. Bagwell desires to enroll his wife Mary Ann and their child Mary Myrtle, four months old. You state that James D. Bagwell was admitted by the United States Court at South McAlester to citizenship and appeared before this Commission at Wurtshorne, Indian Territory, with a copy of that decree, and that he also exhibited a copy of his marriage license to his wife and believed that it was all right and that she would be enrolled. You also state that when Mary Myrtle was born he forwarded to this Commission a sworn statement by the physician and the nurse and that same is on file with the records of this Commission. You desire to be informed if it will be necessary for him to now appear before the Commission as an applicant for enrollment of his wife and child. You are informed that a careful search of the records of this Commission does not disclose that there has been filed any marriage license or certificate of James D. Bagwell and anyone, nor is there on record any certificate of affidavit having

been received by this Commission in the matter of an application for the enrollment of Mary Myrtle Bagwell. When Mr. Bagwell appeared before this Commission as an applicant for enrollment, August 1st 1899, he applied only for himself, and in his testimony given at that time there is no mention made of any application for the enrollment of his wife. The Commission wrote Mr. Bagwell on May 29th, that it would be necessary in the matter of the enrollment of his wife, that either he or she appear in person before the Commission for examination under oath. He was then informed that:

"This Commission cannot receive applications for enrollment except upon the personal appearance of applicants, so that sufficient statements could be taken under oath upon which this Commission may base a decision and also for forwarding to the Secretary of the Interior when the final rolls of the Choctaw Nation are sent to him for review."

There can be no exception made to this rule.

In the matter of applications for the enrollment of infant children, whose parents have already been listed for enrollment by this Commission, the Commission will accept the affidavits of the mother and the attending physician, or nurse at the birth of the child, as conclusive evidence of such birth. But where the mother has not been listed for enrollment and the father has, it is required that either the original, or a certified copy, of the marriage license of the father and mother be filed with the records of this Commission. Therefore, if Mr. Bagwell desires to further present the claims of his wife for enrollment, either he or she must appear in person before the Commission. This may be done at either of the two appointments in the Choctaw or Chickasaw Nation, or

at the office of the Commission in Muskogee.

In the matter of the application for the enrollment of Mary Myrtle Bagwell Upon the presentation of birth affidavits, as above stated and the submission of either the original, or a certified copy, of the marriage licence and certificate of Mr. and Mrs. Bagwell, the matter will receive further consideration.

There is enclosed you herewith a blank application for the enrollment of infant children. In having the same filled out be careful that all names are written in full and that the notary public who takes the acknowledgments of the mother and attending physician, or nurse, at the birth, of the child, affixes his notarial seal and signature to each affidavit. In case the signature of the mother, or the physician or nurse, by mark the same must be attested by two disinterested parties as witnesses.

Yours truly,

In replying to this letter
please refer to 7-D280.

Acting Chairman.

S.S.

Muskogee, Ind. Ter., August 23rd, 1900.

James S. Bagwell Esq.

Cameron, Ind. Ter.

Dear sir;

The Commission is in receipt of your letter of the 11th inst. enclosing marriage license and certificate between J. S. Bagwell and Mary A. McGee, and the same has been duly filed with the records of the Commission.

Also the application for enrollment as a citizen of the Choctaw Nation, of Mary Myrtle Bagwell, the infant daughter of James S. and Mary Ann Bagwell, born Jan. 12th, 1900, and the same being in proper form has been duly filed with the records of the Commission.

Yours truly,

Acting Chairman.

7-D-280.

Muskogee, Indian Territory, March 10, 1902.

J. S. Bagwell,

Cameron, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Beula May Bagwell, the infant daughter of J. S. and Mary Ann Bagwell, born January 24, 1902, and the same being in proper form has been accepted by the Commission and duly filed with the records of this office as evidence of the birth of this child.

Yours truly,

Commissioner in Charge.

MB

MEMORANDA.

(Date) *5/1* 1899.

Name *James*

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

60

Commission to the Five Civilized Tribes,
Hartshorne, Indian Territory.

In the enrollment of James S. Bagwell as Mississippi Choctaw;
being sworn and examined by Com'r McKennon he testifies:

Name is James S. Bagwell, 24 years old.

Q Where have you been living? A In the Territory.

Q How long? A It is six years.
All the

Q ~~What~~ time? A Yes sir.

Q Haven't lived anywhere else? A No sir.

Q In the Choctaw nation? A Yes sir.

Department of the Interior.

Commission to the Five Civilized Tribes.

I hereby certify, upon oath, official oath as
stenographer to the named Commission that this
transcript is a true, full and correct translation of
my stenographic notes

M. J. ...

6453

Certificate of Record of Marriages.

UNITED STATES OF AMERICA, }
THE INDIAN TERRITORY, } SCT
CENTRAL DISTRICT.

I, P. B. STONER, Clerk of the United
States Court in the Indian Territory and
District aforesaid.

DO HEREBY CERTIFY that the license for,
and certifice of the Marriage of

Mr. _____ and
M _____

were filled in my office in said Territory and District
the _____ day of _____ A. D. 189____
and duly recorded in Book _____ of marriage
Records page _____

WITNESS my hand and seal of said Court, at
this _____
day of _____ A. D. 189____

P. B. STONER, Clerk.

By _____ Deputy.

75282

Book 97
Page 100
P. B. Stoner
Clerk
AUG 18 1900

COMM. BY THE COURT
FILED
AUG 18 1900

126

MARRIAGE LICENSE

United States of America,
INDIAN TERRITORY,
CENTRAL DISTRICT.

SS.

You are hereby Commanded to solemnize the
Rite and publish the Banns of Matrimony between
M. J. Bagwell of Parnass
in the Indian Territory, aged *Twenty One* years and
Miss Mary A. McFee of Parnass
in the Indian Territory, aged *Sixteen* years,
according to law, and do you officially sign and return this License
to the parties therein named.

WITNESS my hand and official Seal this *25th* day

February

A. D. 189*6*

J. H. Carr DEPUTY.

O. S. Storer
CLERK OF THE U. S. COURT

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
CENTRAL DISTRICT.

SS.

I. W. Gandel
a *Minister of the Gospel*

DO HEREBY CERTIFY, that on the *27* day of
February A. D. 189*6*, I did duly and according to law, as
commanded in the foregoing License, solemnize the Rite and publish the
Banns of Matrimony between the parties therein named.

WITNESS my hand this *27* day of *February* A. D. 189*6*

My credentials are recorded in the office of the Clerk of the UNITED STATES
Court, in the Indian Territory, Central District, Book *B*, page. *28*

I. W. Gandel
a *Minister of the Gospel*

NOTE:—This License and Certificate of Marriage must be returned to the office of the Clerk
of the United States Court in the Indian Territory, from whence it was issued, within sixty days from the
date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred
Dollars \$100

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

*R. J. Winter
Unrecalled for
Can not be delivered*

72926 R # 9

Frederick & Buckley,
~~Cameron, Indian Territory.~~



Choctaw D-280

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 8, 1904.

Frederick & Buckley,
Attorneys at Law,
Cameron, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of Mary Myrtle Bagwell and Beula May Bagwell.

Respectfully,



Chairman.

Registered.

Incl. 7-D-280.

Choc D28/ mollie E. Bagwell

D28/

MEMORANDA.

(Date)

1899.

Name

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Names of children:

County

Year

Page

No.

County

Year

Page

No.

County

Year

Page

No.

County

Year

Page

No.

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Year

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Year

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County

Year

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No.

County

Year

Page

No.

County

Year

Page

No.

County

Year

Page

No.

231

D- 281-

Commission to the Five Civilized Tribes,

Hartshorne, Indian Territory.

In the enrollment of Mollie E. Bagwell and children, Charles W., and Myrtice M. Bagwell as Mississippi Choctaws; Abner B. Bagwell being sworn and examined by Com'r McKennon testifies:

Q What is your name? A Abner B. Bagwell.

Q Where have you been living with this family? A I have been in th Nation six years .

Q In th Choctaw Nation? A Yes sir.

Q Living here all the while? A Yes sir. Moved from Mississippi here and lived here all the time, the first year close to the line.

Q But you were in the Choctaw Nation? A Yes sir. I moved right into the Nation from Mississippi.

Department of the Interior,

Commission to the Five Civilized Tribes.

I, the undersigned, being duly sworn, depose and say that this is a true and correct translation of the foregoing statements of the said Abner B. Bagwell, as given to me by him in his own handwriting, and that the same are true and correct.

M. D. Green

Choc D282 marnie F. Dunlap

D282

Muskogee, Indian Territory, February 18, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of February 14, inquiring if the names of Frances Brantley and Mattie F. Dunlap appear upon the Leased District Pay Roll of the Choctaw Nation. You also wish to be informed if these persons are now applicant to this Commission for enrollment.

In reply to your letter you are advised that it does not appear from the records of the Choctaw Nation in the possession of the Commission that Mattie F. Dunlap and Frances Brantley were enrolled on the 1893 Leased District Payment Roll of the Choctaw Nation.

It further appears from our records that Mattie F. Dunlap and her children, Emily T. Grilliett, Benjamin W. Grilliett and Sidney W. Dunlap were admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Indian Territory, Central District, rendered at South McAlester, August 26, 1897, in citizenship case Number 27, as Mississippi Choctaws. On August 1, 1899, they appeared before this Commission as applicants for enroll-

M M & C 2

ment in the Choctaw Nation, and their names appear upon Choctaw card D 282.

You are informed that it does not appear from our records that Frances Brantley is an applicant to this Commission for enrollment in the Choctaw Nation.

Respectfully,

Acting Chairman.

all M.S.

MEMORANDA.

(Date) 1899.

Name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

39

✓ Wife's name, A

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

21

✓ County Year Page No.

18

✓ County Year Page No.

8

✓ County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

✓

282

Commission to the Five Civilized Tribes,

Hartshorne, Indian Territory.

In the enrollment of Mattie P. Dunlap and children as Mississippi Choctaws; George B. Dunlap being sworn and examined by Com'r McKennon testifies as follows:

Q What is your name? A George P. Dunlap.

Q Where have you been living and where have your family been living? A In the Choctaw Nation since 1891.

Q All the while? A Yes sir.

Q Haven't lived anywhere else? A No sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

J. M. Green

Choc D283 Buckner Burns

D283

Buckner Burnes et al
See Petition #W-151

NO-1 DISMISSED

To 5 mo

7 DECISION - 1000

JUN 10 1906

RECEIVED

HOUSE & WARE

RECEIVED - 1000
RECEIVED FOR A. 283

JUN 10 1906

COPIES OF DECISION

APPLICANT

NOTED FORWARDED TO DEPARTMENT - 3
June 6, 1906. Report to Department

Also 1905 and returned by Dept for
further investigation as to tribal recog-
nition and enrollment of Diabilla
A. Floe and marriage to her under
tribal law

Nov. 4, 1905. Notice sent to applicant's
attorneys and attys for Nations
Dec. 2, 1905. Hearing at Muskogee, I. T.

Dec. 26, 1905. Decision enrolling
Buckner Burnes.

Dec. 27, 1905. Record of decision
as to Buckner Burnes for
the Dept. Department.

Dec. 23, 1906. Decision Dec. 27, 1905
affirmed by Department.

Dec. 23, 1906. Notice of enrollment
of Diabilla A. Floe.

ACTION APPROVED BY
SEC. OF DEFENSE FEB 26 1967

FOR THE SECRETARY OF DEFENSE
FEB 26 1967

5 1967

1/3

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I.T., December 2nd, 1905.

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In the matter of the application for the enrollment of
James B., Sadie L., Willis E. and Nora K. Burnes as citizens of
the Choctaw Nation.

H. A. Ledbetter, attorney.

Buckner Burnes being first duly sworn, testified as follows:

By Commissioner:

- Q What is your name? A Buckner Burnes.
Q Your age? A Sixty-four past.
Q Your post office address? A Scipio, I. T.
Q You are a white man are you not sir? A Yes sir.
Q Claim to be an intermarried citizen of the Choctaw Nation?
A Yes sir.
Q You claim your right as an intermarried citizen through your
marriage in 1869 to a Choctaw woman named Isabella LeFlore?
A Yes sir.
Q Your Choctaw children by Isabella LeFlore have all been enrolled
as citizens of the Choctaw Nation? A Those living.
Q You are now making application for the enrollment of four children,
James B. Burnes, Sadie L. Burnes, Willis E. Burnes and
Nora K. Burnes as citizens of the Choctaw Nation? A Yes sir.
Q Whose children are these? A They're mine and this Malinda
Hattery--Malinda Burnes.
Q Your children by a woman named Malinda L. Hattery? A Yes sir.
Q Choctaw Indian? A White woman.
Q When was you married to Malinda Hattery? A January 1, 1882.
Q Who married you? A William A. Welch.

There is offered in evidence certificate of W. A.
Welch, County Judge of Scullyville County, Choctaw Nation,
to the marriage of Buckner Burns and Malind L. Hattery,
January 4th, 1882.

- Q How many children did you have by Malinda? A Four.
Q What was their names and when were they born? A James B. born
January 4, 1883; Sadie L. Burnes born December 3, 1884;
Willis E. Burnes born December 20, 1886; and Nora K. born
January 26, 1890.
Q These are all the children of Malinda L. Burnes who was formerly
Malinda L. Hattery? A Yes sir.
Q They are not possessed of any Choctaw blood? A No sir.
Q White children? A White children.

- Q All living at the present time? A Yes sir.
Q Have they lived continuously in the Chickasaw Nation since they were born? A Born and raised in the Choctaw and Chickasaw Nations.
Q Never been anywhere else? A No sir.
Q Any of them married? A No sir.
Q All living with you? A No sir.
Q Where are they living? A The two boys are down about Drake, I. T., in the Chickasaw Nation, and the two girls live with me at Scipio.
Q All living in the Choctaw-Chickasaw country at this time?
A Yes sir.
Q Was Malinda Hattery ever married before she married you?
A No sir.
Q How old a woman was she when you married her? A About twenty-one.
Q Are you still living with her? A She died in 1890.
Q Died a short time after the birth of this last child? A Three days after; died on the 29th of January.
Q Have you been married since the death of Malinda Hattery?
A Yes sir, twice.
Q Both times to white women? A One claimed to be a Choctaw; I don't know about her blood.
Q Have you any children by these two latter wives? A No sir.
Q The only children you now apply for are these four white children by Malinda Hattery? A Yes sir.

Albert G. McMillan being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 2nd day of December, 1906, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Albert G. McMillan

Subscribed and sworn to before me this 4th day of December, 1906.

Myron White
Notary Public.

Skullyville County)
Choctaw Nation)

This is Certify to whom it May Concern that I William A. Welch County Judge of the County aforesaid did on the first day of January A. D. 1882, by virtue of authority in me vested by the Constitution and laws of the Choctaw duly join inthe bonds of matrimony Buckner Burns and Malind L. Hattery and did then and there pronounce them husband and wife.

Given under my hand as such Judge on this 4th day of
January A. D. 1882.

W. A. Welch

County Judge
as aforesaid.

Indorsed:

Filed Dec. 2, 1905.
Commission to the Five Tribes.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Sadie L. Burns,
Willis E. Burns,
Nora K. Burns and
James B. Burns,---By their father, Buckner Burns, -----Plaintiffs.

vs

PETITION.

The Chickasaw and Choctaw Nations,-----Defendants.

Now comes your petitions, Sadie L. Burns, Willis E. Burns, Nora K. Burns and James B. Burns, by their father, Buckner Burns and makes and files this, their petition herein, and say, that they are all members of the Choctaw Tribe of Indians and as such, they are entitled to be enrolled as such citizens of the Choctaw Tribe of Indians, and as grounds therefor, state the following.

First.---Your petitioners state, that their fathers name is Buckner Burns and that he, the said Buckner Burns married one Isabell Leflore, a full blood choctaw woman, on the 23rd. day of August, 1869 and with the said Isabell Leflore until her death, which occurred in the year, 1879; that their said father, Buckner Burns, afterwards married one Malinda Hattery a white woman, during the year, 1882 and that said marriage was in conformity with the law of the Choctaw Nation, a certificate of the marriage showing this fact, now being on file in the office of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, in re your petitioners herein v. the Choctaw Nation (testimony Taken December 2nd. 1905) and that as the fruit of said marriage last above mentioned, your petitioners herein were born, all of whom are living at the time of the filing of the petition herein.

Now your petitioners further state, that by virtue of the married by thri said father, Buckner Burns, to the said L. bell Leflore as hereinbefore mentioned, their said father became and is now an inter-married citizen of the Choctaw Tribe of Indians, as is shown by decision of the Commissioner to the Five Civilized Tribes, rendered December 26th. 1905, in re Buckner Burns, an applicant to citizenship, by intermarried of the Choctaw Tribe of Indians, reference thereto being here made and that by virtue of the fact, that the said wife of the said Buckner Burns died and that the said Buckner Burns married one Malinda Mattery, in accordance with the law of the Choctaw Nation, all of your petitioners herein, are entitled to be enrolled as such citizens of the Choctaw Tribe of Indians.

Your petitioners further state, that their ages are as follows, to wit: Sadie L. Burns 21 years, unmarried, Willis E. Burns, age 19 unmarried; Nora K. Burns, unmarried, age 16 and James B. Burns, age 23 unmarried and all living in the care and custody of their father Buckner Burns.

Wherefore, your petitioners ask that their said names be placed upon the rolls of the Choctaw Tribe of Indians, as citizens of said Choctaw Tribe of Indians and that they have all other relief, that they may be entitled.

H. A. Ledbetter
Atty. for Petitioners.

I, Buckner Burns, being first duly sworn on oath, state that I am the father of Sadie L. Burns, Willis E. Burns, Nora K. Burns and James B. Burns and that the statements and allegations contained in the above and foregoing petition are true.

Buckner Burns

Subscribed and sworn to before me this the 1st day of February, 1906

(SEAL)

T. J. Rice
Notary Public.

My Commission Expires
Aug. 1st, 1906.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Sadie L. Burns,
Willis E. Burns,
Nora H. Burns and
James B. Burns, by their father, Buckner Burns,-----Plaintiffs.

vs.

Affidavit.

The Chickasaw and Choctaw Nations,-----Defendants.

I, Sadie L. Burns, being first duly sworn on oath, state that I
have read carefully the petition to which this affidavit is attached
and that the allegations and statements therein contained are true.

Sadie L. Burns

Subscribed and sworn to before me this the 1st day of February, 1906.

(SEAL)

T. J. Rice
Notary Public.

My Commission Expires Aug. 1st, 1906.

Indorsed:

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Feb. 27, 1906.
Tamm Bixby, Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James B. Burnes, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the census card record in this case that on August 1, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of James B., Sadie L., Willis E. and Vera E. Burnes as citizens of the Choctaw Nation.

It further appears from the record herein that under the regulations adopted by the Commission to the Five Civilized Tribes of January 2, 1906, there was filed on February 27, 1906, by H. A. Ledbetter of Ardmore, Indian Territory, attorney for the petitioners, a petition verified by Buckner Burnes and submitted on behalf of his minor children, James B., Sadie L., Willis E. and Vera E. Burnes, praying that they be enrolled as citizens of the Choctaw Nation.

It appears from the records of the Commission to the Five Civilized Tribes that in 1896, in the case entitled "Buckner Burnes, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 886), original application was made to said Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Choctaw Nation of the applicants, James B., Sadie L., Willis E., and Vera E. Burnes (as Burns) as citizens of said nation; and that upon said application no action was taken by said Commission. Thereafter, an appeal was taken to the United States Court for the Central District of Indian Territory, which court, in the case entitled "Buckner Burnes, et al., vs. Choctaw Nation" (Citizenship Case No. 135), admitted said applicants as citizens of the Choctaw Nation.

It further appears from the records of said Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 441), "set aside, annulled, vacated and held for naught" the aforesaid decision of the United States Court for the Central District of Indian Territory. Said case was not appealed or certified to said Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the provisions of the Act of Congress approved July 1, 1902.

The evidence in this case shows that the applicants herein claim their right to enrollment as citizens of the Choctaw Nation by reason of being the children of Buckner Burnes, a white man,

whose name (as Buckner Burnes) appears as number 1548 upon a list prepared by the Commissioner to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior March 14, 1906, and Malinda Burnes, a non-citizen white woman.

I am, therefore, of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, the application and petition for the enrollment of James B. Burnes, Sadie L. Burnes, Willis E. Burnes and Nora M. Burnes should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

JUN 11 1906

Muskogee, Indian Territory, June 19, 1906.

Buckner Burners,

Scipio, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 19, 1906, denying the application and petition for the enrollment of James E. Burnes, Sadie L. Burnes, Willis E. Burnes and Nora M. Burnes as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Commissioner.

Registered.

Incl. 7- -283

7-D-283

Muskogee, Indian Territory, June 19, 1906.

H. A. Ledbetter,
Attorney at Law,
Ardmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 19, 1906, denying the application and petition for the enrollment of James B. Burnes, Sadie L. Burnes, Willis E. Burnes and Nora M. Burnes as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Registered.

Commissioner.

Incl. 7-D-283

7-D-283

Muskogee, Indian Territory, June 19, 1906.

Manafield, Moncgray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 19, 1906, denying the application and petition for the enrollment of James B. Burnes, Fadie L. Burnes, Willis F. Burnes and Nora M. Burnes as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. 7-D-283

Commissioner.

Muskogee, Indian Territory, June 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application and petition for the enrollment of James B. Burnes, Sadie L. Burnes, Willis E. Burnes and Nora M. Burnes, as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated June 19, 1906, denying said application and petition.

Respectfully,

AGNEE

2 Incl. 7-D-283.

Commissioner.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FMR.

I.T.D. 2832, 2872, 2740, 2980, 3264-1907.

3294, 3304, 3336, 3374, 3384, "

3394, 3416, 3446, 3452, 3460, "

3462, 3530, 3546, 3584, 3580, "

3568, 3570, 3572, 3602, 3652, "

LRS. 3680, 3694, 3912, 3962, 4042, "

4054, 4112, 4116, 4148, 4194, "

4200, 4230, 4238, 4240, 4242, "

4256, 4294, 4310, 4312, "

February 26, 1907.

DIRECT.Commissioner to the Five Civilized Tribes,
Waskagee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal.
Joseph E. Collins,	June 19, 1906.
James W. Burnes, et al.,	June 19, 1906.
Fannie W. Falconer, et al.,	June 19, 1906.
Jessie Joe Turner	June 19, 1906.
Thomas Woods	December 19, 1906.
Leta Benson	November 6, 1906.
Amey M. Hancock, et al.,	November 15, 1906.
Daisy Crockett Coleman, et al.,	September 28, 1906.
Harry Guion	October 2, 1906.
Lucinda V. Menke, et al.,	November 13, 1906.
Agnes Irene Coleman, et al.,	December 20, 1906.
Lillie May Pate, et al.,	December 20, 1906.
Rutha Ann Ferguson,	December 20, 1906.
Devie Adeline Geferth,	December 20, 1906.
Andrew J. Ollar, et al.,	November 15, 1906.
Kellie C. Blakely, et al.,	November 14, 1906.

Title of Case.	Date of your letter of transmittal.
Overton Martin Woods, et al.,	January 14, 1907.
John Lee Hunt,	December 20, 1906.
Kathleen Lockett	January 12, 1907.
Thomas Rudolph Haulin,	December 20, 1906.
Mamie Fanning,	January 12, 1907.
William A. Gardner,	December 20, 1906.
Sophia C. Harris, et al.,	December 20, 1906.
Jesse Monroe Jones,	January 12, 1907.
Bertie Cotton, et al.,	October 4, 1906.
Maggie Irene Staloup.	November 22, 1906.
L. Everett Parks, et al.,	November 22, 1906.
Ella Florence Cochran,	October 2, 1906.
Olga Irene Cummings, et al.,	December 26, 1906.
Tilden J. Smith,	November 21, 1906.
Jewell Werryman,	November 21, 1906.
Jim Costello, et al.,	December 21, 1906.
Lettie May Nickman, et al.,	December 24, 1906.
Rae Gilbert, et al.,	December 21, 1906.
Matilda Florence	June 20, 1906.
Mary Jane Falsen, et al.,	June 18, 1906.
Lee Keck, et al.,	October 20, 1906.
Magnolia Thompson	November 21, 1906.
John Hardy Sterling, et al.,	November 23, 1906.
James Maberry Morse Jr.,	January 16, 1907.
James G. Shaw,	November 21, 1906.
Sallie Engleman, et al.,	January 16, 1907.
Fannie Pearl Peagles, et al.,	December 21, 1906.
Thomas A. Witzgerald (Jr.)	December 21, 1906.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse R. Wilson.

Assistant Secretary.

44 inc. and
92 for Ind. Of.

A. P. W.C.
2-27-07.

LAND
52790-1906

--Copy--

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 5, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated June 19, 1906, relative to the application for the enrollment of James B. Burnes, Sadie L. Burnes, Willis E. Burnes, and Nora M. Burnes, as citizens of the Choctaw Nation, including the decision of the Commissioner, dated June 19, 1906, denying the application.

The record herein shows that the applicants claim their right to enrollment as citizens of the Choctaw Nation by reason of being the minor children of Buckner Burnes, a white man, who has been enrolled as a citizen by intermarriage of the Choctaw Nation, and Malinda Burnes, a non-citizen white woman.

Under the provisions of the Act of June 21, 1906 (34 Stat. L., 525), and in accordance with the Departmental ruling in the case of William Jesse Bacon (I.T.D. 2548-1906), the applicants being minors, with no Indian blood are not entitled to enrollment, and it is recommended that their application be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJV-EH

7-D-283.

Muskogee, Indian Territory, April 5, 1907.

Buckner Burnes,

Scipio, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 19, 1906, denying the application and petition for the enrollment of James B. Burnes, Sadie L. Burnes, Willis E. Burnes and Nora M. Burnes as citizens of the Choctaw Nation.

Respectfully,

D. E. Burns.

Acting Commissioner.

7-D-283.

Muskogee, Indian Territory, April 5, 1907.

H. A. Ledbetter,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 19, 1906, denying the application and petition for the enrollment of James B. Burnes, Sadie L. Burnes, Willis E. Burnes and Nora M. Burnes as citizens of the Choctaw Nation.

Respectfully,

Acting Commissioner.

7-D-283.

Muskogee, Indian Territory, April 5, 1907.

Mansfield, McMurray & Cornish,

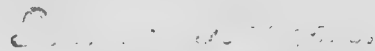
Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 19, 1906, denying the application and petition for the enrollment of James B. Burnes, Sadie L. Burnes, Willis E. Burnes and Nora M. Burnes as citizens of the Choctaw Nation.

Respectfully,



Acting Commissioner.

Muskogee, Indian Territory, July 14, 1906.

H. A. LaBette,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of June 28, 1906, in which you state that you desire to prosecute an appeal from the decision of this office of June 19, 1906, refusing the application of James B. Burns, et al, for enrollment as citizens of the Choctaw Nation, and you ask that the records show that an appeal is taken in this case.

In reply you are advised that on June 19, 1906, the decision of the Commissioner to the Five Civilized Tribes refusing the application and petition of James B. Burns, et al, for enrollment as citizens of the Choctaw Nation, together with the record in this case, was forwarded to the Secretary of the Interior and you will be notified of such action as is taken by the Department.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,

PHE.

WASHINGTON.

I.T.D. 2632, 2672, 2740, 2980, 3264-1907.

3296, 3304, 3336, 3374, 3384, "

3394, 3418, 3446, 3482, 3480, "

3482, 3530, 3546, 3554, 3580, "

3588, 3570, 3572, 3602, 3682, "

LRS. 3880, 3894, 3912, 3982, 4042, "

4054, 4112, 4116, 4148, 4194, "

4200, 4230, 4238, 4240, 4242, "

4256, 4294, 4310, 4312, "

February 26, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of your letter of transmittal.
Joseph E. Collins,	June 19, 1906.
James B. Burnes, et al.,	June 19, 1906.
Pannie W. Falconer, et al.,	June 19, 1906.
Jessie Joe Turner	June 19, 1906.
Thomas Woods	December 19, 1906.
Lietta Benson	November 6, 1906.
Amy W. Hancock, et al.,	November 15, 1906.
Daisy Crockett Coleman, et al.,	September 28, 1906.
Harry Guieu	October 2, 1906.
Lucinda W. Henks, et al.,	November 13, 1906.
Agnes Irene Coleman, et al.,	December 20, 1906.
Lillie May Pate, et al.,	December 20, 1906.
Rutha Ann Ferguson,	December 20, 1906.
Devie Adeline Gferth,	December 20, 1906.
Andrew J. Ollar, et al.,	November 15, 1906.
Nellie C. Blakely, et al.,	November 14, 1906.

Title of Case.

Date of your
letter of transmittal.

Overten Martin Bonds, et al.,	January 14, 1907.
John Lee Hunt,	December 20, 1906.
Kathleen Lockett	January 12, 1907.
Thomas Rudolph Hamlin,	December 20, 1906.
Mamie Danagan,	January 12, 1907.
William A. Gardner,	December 20, 1906.
Sophia C. Harris, et al.,	December 20, 1906.
Jesse Monroe Jones,	January 12, 1907.
Bertie Cotton, et al.,	October 4, 1906.
Maggie Irene Stalcup,	November 22, 1906.
L. Everet Parker, et al.,	November 22, 1906.
Ella Florence Cochran,	October 2, 1906.
Cleo Irene Cummings, et al.,	December 26, 1906.
Tilden J. Smith,	November 21, 1906.
Jewell Merryman,	November 21, 1906.
Jim Costilow, et al.,	December 21, 1906.
Lettie May Hickman, et al.,	December 24, 1906.
Rue Colbert, et al.,	December 21, 1906.
Matilda Florence	June 20, 1906.
Mary Jane Fulson, et al.,	June 18, 1906.
Lee Keck, et al.,	October 20, 1906.
Magnolia Thompson	November 21, 1906.
John Hardy Sterling, et al.,	November 23, 1906.
James Maberry Morse Jr.,	January 16, 1907.
James G. Shaw,	November 21, 1906.
Sallie Engleman, et al.,	January 16, 1907.
Fannie Pearl Beagles, et al.,	December 21, 1906.
Thomas A. Fitzgerald (Jr.)	December 21, 1906.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson.

Assistant Secretary.

44 inc. and
92 for Ind. Of.

A. W. Mc.
2-27-07.

LAND
52790-1906

--Copy--

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 5, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated June 19, 1906, relative to the application for the enrollment of James B. Burnes, Sadie L. Burnes, Willis E. Burnes, and Nora M. Burnes, as citizens of the Choctaw Nation, including the decision of the Commissioner, dated June 19, 1906, denying the application.

The record herein shows that the applicants claim their right to enrollment as citizens of the Choctaw Nation by reason of being the minor children of Buckner Burnes, a white man, who has been enrolled as a citizen by intermarriage of the Choctaw Nation, and Malinda Burnes, a non-citizen white woman.

Under the provisions of the Act of June 21, 1906 (34 Stat. L., 325), and in accordance with the Departmental ruling in the case of William Jesse Bacon (I.T.D. 2543-1906), the applicants being minors, with no Indian blood are not entitled to enrollment, and it is recommended that their application be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-MH

--Copy--

REFER IN REPLY TO THE FOLLOWING

LAND
52790-1906

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 5, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated June 19, 1906, relative to the application for the enrollment of James B. Burnes, Sadie L. Burnes, Willis E. Burnes and Nora M. Burnes, as citizens of the Choctaw Nation, including the decision of the Commissioner, dated June 19, 1906, denying the application.

The record herein shows that the applicants claim their right to enrollment as citizens of the Choctaw Nation by reason of being the minor children of Buckner Burnes, a white man, who has been enrolled as a citizen by intermarriage of the Choctaw Nation, and Malinda Burnes, a non-citizen white woman.

Under the provisions of the Act of June 21, 1906 (34 Stat.L., 325), and in accordance with the Departmental ruling in the case of William Jesse Bacon (I.T.D. 2548-1906), the applicants being minors with no Indian blood are not entitled to enrollment, and it is recommended that their application be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH

Choc D 284 Eliza J. Cogswell

D284

MEMORANDA.

(Date)

1899.

Name

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County

Year

Page

No.

County

Year

Page

No.

County

Year

Page

No.

County

Year

Page

No.

County

Year

Page

No.

County

Year

Page

No.

County

Year

Page

No.

County

Year

Page

No.

County

Year

Page

No.

County

Year

Page

No.

40 154

5984

Commission to the Five Civilized Tribes,
Hartshorne, Indian Territory.

In the enrollment of Eliza J. Bagwell and children as Mississippi Choctaws; Charles M. Bagwell being sworn and examined by Com'r McKennon testifies;

Q What is your name? A Charles M. Bagwell.

Q How old are you? A I will be fifty next March.

Q Where have you been living with this family of yours?

A Four years last March I moved to Poteau, and have been living there ever since, in the Choctaw Nation.

Minister of the Interior,
Commissioner of the Five Civilized Tribes
I hereby certify that the official copy as
steno-graphed by me is a correct translation of
my stenographic notes.
M. J. Green

7-3284

INDEXED

32

IN RE
THE DEATH OF

John W. Bagwell
a citizen of the

Choctaw Nation.

Approved DEC 19 1902 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 19 1902

ACTING CHAIRMAN

CHOCTAW:

D # 284

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of John M Bagwell
(Here insert name of deceased.)

a citizen of the Choctaw Nation, who formerly resided at or near

Poteau, Ind. Ter., and died on the 27 day of
(Here insert name of post office.)

March, 1900

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,

Central District. }

I, John M Bagwell, on oath state that I am 53
 years of age and a citizen, by Blood, of the Choctaw Nation;

that my post office address is Poteau, Ind. Ter.; that I am
(Here insert name of post office.)

father of John M Bagwell
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)

who was a citizen, by Blood, of the Choctaw Nation;

and that said John M Bagwell died on the 27 day of
(Here insert name of deceased.)

March, 1900 J M Bagwell

WITNESSES TO MARK:

(Must be Two
 Witnesses.)

Subscribed and sworn to before me this 15 day of December 1900

J. C. Bolger
 Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,

Central District. }

I, Better Eugene, on oath state that I am 55
 years of age, and a citizen, by Blood, of the Choctaw Nation;

that my post office address is Camron, Ind. Ter.;
(Here insert name of post office.)

that I was personally acquainted with John M Bagwell
(Here insert name of deceased.)

who was a citizen, by Blood, of the Choctaw Nation;

and that said John M Bagwell died on the 27 day of
(Here insert name of deceased.)

March, 1900 Better Eugene

WITNESSES TO MARK:

(Must be Two
 Witnesses.)

Subscribed and sworn to before me this 15 day of Dec 1900

J. C. Bolger
 Notary Public.

Choc D285 Nancy J. Henry

D285

Choctaw D-285.

Muskogee, Indian Territory, February 28, 1902.

Nancy J. Henry,

Iron Bridge, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 8th day of April, 1902.

On said date you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. D. Woodlee.

Commissioner in Charge.

Register.

Choctaw 2404
Choctaw Dec5

Muskogee, Indian Territory, April 4, 1903.

Freeman W. Spann,

Muskogee, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 30, stating that Weston L. Speer is holding more land than that to which he is entitled in allotment, if a citizen, and asking what steps should be taken in order to deprive him and other citizens of their excessive holdings. You also ask how much land a citizen is entitled to hold as an allotment.

In reply to your letter you are advised that, under the provisions of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902, each citizen of the Choctaw and Chickasaw Nations is entitled to select as his allotment land equal in value to three hundred and twenty acres of the average allottable land of said nations.

You are further advised that sections nineteen and twenty and twenty one of the act of Congress of July 1, 1902, above referred to, a copy of which is herewith inclosed, provide the penalty for excessive holding of land by citizens and freedmen of the Choctaw and Chickasaw Nations.

F R 8 2

For your information there is also inclosed herewith a copy of the rules and regulations of the Commission governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

Choctaw-Chickasaw
agreement.
Rules for allotment.

22.

1899.

No.

Page

Mother's citizenship

Married under what law?

Wife's name,

No.

Page

Mother's citizenship

Married under what law?

License filed this day

Names of children:

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

Commission to the Five Civilized Tribes,

Hartshorne, Indian Territory.

In the enrollment of Nancy J. Henry and children as Mississippian Choctaws; A. E. Henry being sworn and examined by Com'r McKennon testifies as follows:

Q Where has your family been living? A Up until eighteen months ago in two miles of Poteau for five years

Q Have you been living in the Choctaw Nation all the while?

A Yes sir.

Q How long?

A Five years next December.

Q All the while in the Choctaw Nation? A Yes sir.

Q Haven't lived anywhere else, any of these people?

A No sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify that the official book as stenographed and recorded Commission that this transcript is a true and correct translation of my stenographic notes.

M. J. McNamee

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Nancy J. Henry for the enrollment
of herself and her four minor child-
ren, Jessie P., Claudie E., Robert L.,
and William D. Henry, as citizens by
blood of the Choctaw Nation.

---D 285---

On the 28th day of February, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Nancy Jane Henry, Jessie P. Henry, Claudie E. Henry, Robert L. Henry and William D. Henry, for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 8th day of April, 1902, for final consideration.

Now, on this 7th day of April, 1902, prior to the date upon which this case was set for final hearing, the applicant being present by his attorney, Philip D. Brwer, of South McAlester, I. T., and the Choctaw Nation appearing by its attorneys, Mansfield, McMur-ray & Cornish, this case is called out of order, and submitted upon the record and evidence already on file with the Commission, and the applicant is allowed fifteen days within which to file brief.

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 7th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 9th day of April, 1902.

[Signature]
Notary Public.

Choc 0286 Jesse W. Hawkins

0286

MEMORANDA.

(Date)

1899.

Name

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County

Year

Page

No.

County

Year

Page

No.

County

Year

Page

No.

County

Year

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No.

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Year

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No.

County

Year

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No.

County

Year

Page

No.

County

Year

Page

No.

CHIT

Commission to the Five Civilized Tribes,
Hartshorne, Indian Territory.

In the enrollment of Jesse W. Hawkins as Choctaw; A.E. Bagwell
being sworn and examined by com'r McKennon testifies:

Name is A. E. Bagwell.

Q Where has Jesse W. Hawkins been living?

A In the Choctaw Nation for the last five years , at my house.

Department of the Interior,

Commission to the Five Civilized Tribes.
I hereby certify that the foregoing is a true and correct
statement of the facts as given in the deposition, that this
is a true and correct translation of
my stenographic notes

M. D. Green

Commission to the Five Civilized Tribes,
South McAlester, Ind. Terr.

In the enrollment of the Hawkins family as Choctaws; Thomas J. Walls being sworn and examined by Com'r McKennon he states:

Q What is your name? A Thomas J. Walls.

Q How old are you? A Fifty-one.

Examined by Choc Att'y Shackelford:

Q You are a Choctaw? A Yes sir.

Q Tell the court what you know about the Hawkins, what is the original name? A I declare I am not certain about his given name; I knew him about the time he came from Mississippi here, that was about 1890; stopped over at ^{Jinson} ~~Johnson~~, Arkansas, and tried to hire me to prove up his right for him; he just wanted to make proof, said I could hire somebody for five or ten dollars to swear to his right.

Q What about his claiming to have Indian blood in him before that? A He never had said anything about it; Mr. Charles Bagwell is right there, - lived and boarded with me, come from Arkansas to my place and boarded with me four, five or six months, and then ~~lived~~ lived by me a couple of years.

Q Did he claim any Indian blood? A No sir.

Q Did he have any? A Not that I know of.

Q You are a Choctaw aren't you? A Yes sir.

Q What do you know of the William Mitchell family and claimants?

Q I have known them ever since the War; they have always lived there as renters and paid permits.

Q Did they have Choctaw blood in them? A None whatever, I don't think.

Q Claim to have any? A No sir. Jesse Hawkins and his wife parted, and she is now in Mississippi, very old; she said there was no Indian blood in them, and there are witnesses down there, -

Hawkins Family,- Thomas J. Wall #2)

old men, sixty-five years old, that was raised with them in Calhoun County, Mississippi and went to the old original Hawkins mill back there, and they said there was no Indian blood in them. There wasn't but one party that claimed to be Indian, and he claimed to be a Cherokee; that is the only party that ever lived in Calhoun county that claimed Indian blood, and he claimed to be a Cherokee.

Department of the Interior
Commissioner of Indian Affairs

I hereby certify that the official stenographer to the above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

W. H. Green

Commission to the Five Civilized Tribes,
South McAlester, Ind. Ter.

In the enrollment of Jesse W. Hawkins, Emanuel Hawkins et al, Richard N. Hawkins, et al and Wallie Hawkins et al, as Choctaws; Martin V. Reagan being sworn and examined by Com'r McKennon testifies as follows:

Q What is your name? A Martin V. Reagan.

Q How old are you? A Fifty-nine.

Q Did you know these Hawkins in Mississippi? A I was born in Yellowbush County, Mississippi, and all of these Hawkins moved into the same county in which we moved in Mississippi.

Q What do you know about them being Choctaws? A I never heard of such a thing back in that country; whether they are Choctaws I don't know.

I left Mississippi ten years ago, and they knew I was coming out here, I never heard them claim any right.

Q Did they claim to be Choctaw Indians.

Q I never heard them claim that.

Q What do you know about them since ~~that time~~ ~~xxxx~~ they came here? A I met them frequent here, I have never talked with them anything at all about it, only Mr. Bagwell at Poteau, he said they were trying to get a right through, but so far as them claiming any citizenship here, or coming with that intention, I never heard anything from that; I lived about six or eight miles from them; I went to mill as a boy to the grandfather of all of them, and I never heard mother intimate that they had Indian blood in them; that is about as far as I know of the case.

John H. Beasley being sworn and examined states:

Q What is your name? A John H. Beasley.

How old are you? A Sixty-two.

Hawking Family, John H. Beasley, #2)

Q Where were you born and reared? A I was born in Murray County, Tennessee.

Q About these Hawkins that have been named by Mr. Reagan, do you know them? A Yes sir, I have known them ever since I was five or six years old.

Q Where did you know them? A In Chickasaw County, Mississippi.

Q What do you know about their being Choctaws, or claiming to be Choctaw Indians? A I have been with them fifty years, and went to their mill and soldiered with them in the Army, and never heard anything of it until about three years ago.

Q Were they Choctaws or not? A They had no resemblance of a Choctaw on earth.

Q You knew them fifty ~~years~~ odd years? A Yes sir, and the old grandfather of them ~~was~~ ~~born~~ ~~in~~ ~~1874~~ he is seventy-four or six years old; he comes to my house frequently, and he had some trouble with them; he seems very close to me, and I asked him about four or five weeks ago, I says I have known you ever since I can recollect, I says how come you all with Choctaw blood in you? He says if there is any drop more in them than there is in you I don't know it.

Q You are a white man? A Yes sir.

Q There aint any Choctaw blood in you? A No sir, if there is I don't know it.

Martin V. Reagan, re-called, testifies:

Q What do you know about the Henrys', James Henry and others, do you know James Henry? A Yes sir.

Q And his wife, before he married her? A Yes sir.

Q Where did you know them? A In Mississippi, I used to go to the same church in Mississippi with them.

Hawkins family, Martin V. Peagan #3)

Q Were they Choctaws, or did they claim to be Choctaws?

A They didn't resemble Choctaws any more than I do, and I am a white man.

John H. Beasley, re-called, states:

Q What do you know about James Henry et als? A I knew them in Mississippi, and I knew them in the Territory, and I never heard anything of them being Choctaws until about three years ago the father of them, old man Hawkins, the father of Mrs. Henry, he was at my house when I was speaking about their having a right, and they had had some trouble and he had left them, and I was talking to him about their right and he said he had nary child living, as he knowed of, that had any more Choctaw blood in them than any other white man; I says how did they get it up; he says the first I ever heard of it, he says they gave one Indian a barrel of sorghum molasses for the proof, and the other Indians ten dollars in greenbacks apiece.

Q What is the grandfather's name? A Jesse Hawkins.

Question to both witnesses: Did either of you know anything about the William Mitchell family? A No sir.

(Both answer, No sir.)

Q Do these Henrys resemble Indians more than you do? A Nosir. I knew them in Chickasaw county; it has been forty-eight years ago, there is a new county cut off of Chickasaw county, Pontotoc County, LaFayette and Yellowbush, and that cut us off in ----- County, and we lived by them forty years in that county, but when the county was made some of them was in one county and some in another; Mr. Peagan testified that they come from Yellowbush county, and that's the difference in the two statements; I think it is between 1850 and 1855 that the new county was made, and I lived close to this old man, and, as he said, I knew him in the Baptist Church ever since.

Hawkins family, John H. Beasley witness #4)

I could recollect; I knew him almost as well as I did my father, Old Jesse Hawkins. We have lived close together all my life; I think I was just three years old when my father moved to Mississippi.

Martin V. Reagan re-called, states:

Examined by Choc Att'y Shackelford:

Q Mr. Reagan, do you know William Bagwell and the other Bagwells?

A Yes sir.

Q They are connected with the Hawkins, being intermarried with the Hawkins family, and are claiming under the Hawkins family,

do you know anything about their claiming to be Choctaws? A No sir, they are not Choctaws.

Q What do you know about George McCormick? A I knew him in Mississippi; his father was assessor of my county in Mississippi, and he never claimed any Choctaw; I don't suppose he does now, without it is intermarriage.

John H. Beasley re-called, states:

Examined by Choc Att'y Shackelford:

Q Mr. Beasley what do you know about the Bagwells? I have known them about as long as I have the Hawkins, and I never knew about them having any claim until three years ago; one of the Bagwells is a lawyer and he worked it up for them.

Q They intermarried with the Hawkins? A Yes sir.

Q What do you know about George McCormick? A Yes sir, I have known him ever since he was a child.

Q Has he got any Choctaw blood in him? A None on earth that I know of.

of the Interior,
2/11/44

Choc D 287 Nannie S. Ryland

D 287

MEMORANDA.

(Date)

1899.

Name

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

15 ✓ *Marrin Ragin* County

Year

Page

No.

12 ✓ *Oliver* County

Year

Page

No.

4 ✓ *Minnie* County

Year

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Commission to the Five Civilized Tribes,
Hartshorne, Indian Territory.

In the enrollment of Nannie S. Ragland and children as Mississippi Choctaws; J.C.Ragland being sworn and examined by Com'r McKennon testifies:

- Q What is your name? A J.C.Ragland.
- Q Where have you been living with this family? A In the Nation, Sugar Loaf county, for the last six years.
- Q Choctaw Nation? A Yes sir.
- Q All the while up to date? A Yes sir.
-

Department of the Interior,

Commission to the Five Civilized Tribes.
I hereby certify that the official copy as
steno-graphed by me from the commission, that this
transcript is a correct translation of
my stenographic notes.

M.D. Green

Choc 0288 Daisy Duncan

nos 223 Dismissed may 27, 1904

0288

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment
as citizens by blood of the Choctaw Nation of:

JAMES J. DUNCAN, et al., 7-D-288.

-----o-----

-----o-----

71258

IN

RE

Application for Enrollment of

INFANT CHILD.

James Jefferson Duncan

As a citizen of the

Choctaw

Nation.

Approved

1

Commissioner.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,
of *James Jefferson Duncan* born on the *15* day of *Febr*, 18*99*
Name of father: *Eugene Duncan*, a citizen of the *Choctaw* Nation.
Name of mother: *Daisy Victoria*, a citizen of the *Choctaw* Nation.
Post Office: *Houston T. Ty*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, *Daisy V. Duncan*, on oath, state that I am *20* years of age and a
citizen, by *blood*, of the *Choctaw* Nation; that I am the
lawful wife of *Eugene Duncan*, who is a citizen, by *marriage* of the
Choctaw Nation; that a *boy* child was born to me on the *15* day
of *Febr*, 18*99*; that said child has been named *James Jefferson*,
and is now living.

Daisy V. Duncan

Subscribed and sworn to before me this *5* day of *July*, 18*99*

Wm Reichert

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, *Mary E. Duncan*, a *midwife* on oath, state that I
attended on Mrs. *Daisy V. Duncan* wife of *Eugene Duncan*
on the *15* day of *Febr*, 18*99*; that there was born to her on said date a *boy* child;
that said child is now living and is said to have been named *James Jefferson*

Mary E. Duncan

Subscribed and sworn to before me this *24* day of *June*, 18*99*

Wm Reichert

Notary Public.

my term exp May 1903

CHOCTAW.

20

IN RE

Application for Enrollment of

INFANT CHILD

Martin Ezekiel Duncan
as a citizen of

Choctaw Nation.

Approved, **MAY 20 1901** 190


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

MAY 20 1901


ACTING CHAIRMAN

AW.

288

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,
 of *Martin Ezekiel*, born on the *7* day of *Febr*, 190*1*
 (Here insert name of child)
 Name of Father: *Eugene Duncan*, a citizen of the *United States* Nation.
 Name of Mother: *Daisy V. Duncan*, a citizen of the *Choctaw* Nation.
 Post-office, *Houston Indian Territory*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }

Central INDIAN TERRITORY, }

District. }

I *Daisy V. Duncan*, on oath state that I am
 years of age and a citizen, by *Blood*, of the *Choctaw* Nation;
 that I am the lawful wife of *Eugene Duncan*, who is a citizen, by
 of the *United States* Nation, that a *Male* child was
 (male or female)
 born to me on the *7* day of *Febr*, 190*1* that said child has been
 named *Martin Ezekiel, Duncan*, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)*Daisy V. Duncan*

Subscribed and sworn to before me this

1 day of *May*, 190*1*.
Wm. Reichert
 NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }

Central INDIAN TERRITORY, }

District. }

I, *Caroline Forrest*, a *midwife*, on oath state that I
 attended on Mrs. *Daisy Duncan*, wife of *Eugene Duncan*,
 on the *7* day of *Febr*, 190*1*; that there was born to her on
 said date a *Male* child; that said child is now living and is said to have been
 (male or female)
 named *Martin Ezekiel, Duncan*.

WITNESSES TO MARK

(Must be Two
Witnesses)*Eugene Duncan*
*F. R. Forrest**Caroline Forrest* *her mark*

Subscribed and sworn to before me this

1 day of *May*, 190*1*.
Wm. Reichert
 NOTARY PUBLIC

1070
7-B-288.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.


-----o-----

In the matter of the application for the enrollment of James J. Duncan and Martin Ezekiel Duncan as citizens by blood of the Choctaw Nation.

-----o-----

The applicants, James J. Duncan and Martin Ezekiel Duncan, claim their right to enrollment as citizens by blood of the Choctaw Nation through their mother Daisy Duncan. The right of the applicants' mother, Daisy Duncan, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, March 21, 1904, in case No. 54, upon the South McAlester docket of said court, it is hereby ordered that the application of James J. Duncan and Martin Ezekiel Duncan for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

COPY:

Muskogee, Indian Territory, June 8, 1904.

Daisy Duncan,

Houston, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of James J. Duncan and Martin Ezekiel Duncan.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. 7-D-288.

COPY.

Muskogee, Indian Territory, June 8, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of James J. Duncan and Martin Ezekiel Duncan.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

Registered.

Incl. 7-D-288.

(See Choctaw R-650 for Registry receipt for this letter.)

Muskogee, Indian Territory. May 30, 1901.

Mr. Eugene Duncan,

Houston, Indian Territory.

Dear Sir:

The Commission is in receipt of an application for enrollment as a citizen of the Choctaw Nation of Martin Ezekial Duncan, the infant son of Eugene and Daisy V. Duncan, born February 7, 1901, and the same being in proper form has been duly filed with the records of the Commission, and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

288
7-D-288.

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MEMORANDA.

(Date)

1899.

Name

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

20

Wife's name,

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

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[Handwritten signature and scribbles]

Commission to the Five Civilized Tribes,
Hartshorne, Indian Territory.

In the enrollment of Daisy Duncan as Mississippi Choctaw;
Eugene Duncan being sworn and examined by Com'r McKennon states:

- Q What is your name? A Eugene Duncan.
- Q How old are you? A Thirty years old.
- Q Are you the husband of Daisy Duncan nee Hagland? A Yes sir
- Q When were you married to her? A April 10th, 1898.
- Q She is living? A Yes sir
- Q Where has she been living? A In the Choctaw Nation, Indian Territory.
- Q How long? A Ever since she has been married. Prior to that she lived with her father at Le Lore in the Choctaw Nation.
- Q How long? A About six years I believe.
- Q Has she lived in the Choctaw Nation continuously for the whole six years? A I have not known her for quite six years; she has for five years to my knowledge.
- Q Up to the present time? A Yes sir.
- Q James J. Duncan was born February 15th, 1899? Was he?
- A Yes sir.

D.

M. J. McKennon

Choc D289 Agnes Fair

D289

MEMORANDA.

(Date) 1899.

Name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

11 *John* County Year Page No.
..... County Year Page No.
..... County Year Page No.
..... County Year Page No.
..... County Year Page No.
..... County Year Page No.
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..... County Year Page No.
..... County Year Page No.

287

Commission to the Five Civilized Tribes,

Hartshorne, Indian Territory.

In the enrollment of Agnes Fair as Mississippi Choctaw; Edward W. Fair being sworn and examined by Com'r McKennon testifies:

Q What is your name? A Edward W. Fair.

Q What is your age? A Thirty-eight.

Q Are you the father of Agnes Fair? A Yes sir.

Q You were the husband of Nora Fair? A Yes sir.

Q Where has Agnes been living? A She is staying with her aunt, Mr. Ragland's wife.

Q How long has she been living in the Choctaw Nation?

A Three years and six months.

Q Continuously?

A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that the official book as stenographer of the named Commission and this transcript is a true and correct translation of my stenographic notes.

MD McKennon

8.296

Sallie P. Ward.

Record transferred to Chastina
card # 4134

CHOCTAW D 291

Mary Hale.

Record transferred to

CHOCTAW.

#5821

CHOCTAW D 292

Sarah E M. Gay.

Record transferred to
CHOCTAW #5859

Choc D293 Joseph m. Edwards

See Per C-130

Duplicate record bound

D293

Muskegee, Indian Territory, August 14, 1900.

Mr. Joseph Edwards,

Cowlington, Indian Territory,

Dear Sir:

There is inclosed you herewith a copy of the decision of the Commission, refusing the application for enrollment as a citizen of the Choctaw Nation of Luther Ward Edwards for the reasons given therein.

Yours truly,

Acting Chairman.

Choctaw D-293.

Muskogee, Indian Territory, February 28, 1902.

Joseph M. Edwards,

Cowlington, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 8th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

H. D. Medico.

Register.

Commissioner in Charge.

Choctaw 883
Choctaw D 670

Wilkes, Indian Territory, March 10, 1903.

Charles James,

Ironbridge, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 18, asking if Marie Isaac, of Wilkes, Indian Territory, widow of James Isaac, and Joe Alexander of Wilkes, are registered all right.

In reply to your letter, I advise that it appears from our records that Margaret Isaac, of Wilkes, Indian Territory, widow of James Isaac, and Joseph A. Alexander, of Wilkes, Indian Territory, have been listed among the allotted citizens for enrollment as intermarried citizens of the Choctaw Nation, and the final right to such enrollment have not yet been determined.

Respectfully,

Chairman.

Choctaw-2109.
Choctaw-D- 93.

Mustache, Indian Territory, June 11, 1904.

Joe L. Edwards,
McCurtain, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 10th, in which you state that the case of the application of your wife for citizenship as closed by the Choctaw and Chickasaw Citizenship Court on February 4, 1904; but that no decision has yet been handed down.

In reply to your letter, you are informed that it appears from our records that the application of yourself and family for citizenship in the Choctaw Nation is pending before the Choctaw and Chickasaw Citizenship Court and for information relative thereto, you should address the Clerk of that Court at Tishomingo, Indian Territory. Under the provisions of the act of Congress approved July 1, 1902 the Commission is without authority to enroll or to make allotment to any person whose citizenship in the Choctaw or Chickasaw Nation is dependent upon judgments of United States Courts in the Indian Territory, until their right to such citizenship is finally determined.

Respectfully,

Commissioner in Charge.

MEMORANDA.

(Date)

1898.

Name

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County

Year

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No.

County

Year

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Handwritten number 4200 with a line through it.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 8, 1902.

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: : : : :
: : In the matter of the appli- : :
: : cation of Joseph M. Edwards : :
: : for enrollment as a citizen : : D-293.
: : by intermarriage of the : :
: : Choctaw Nation. : :
: : : : :

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On the 26th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Joseph M. Edwards for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 8th day of April, 1902, for final consideration.

Now on this 8th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the following proceedings were had:

APPEARANCES:-

Joseph M. Edwards, the ap- :	No appearance on behalf
plicant in person. :	of the Choctaw and Chickasaw
J. G. Harley, attorney for :	Nations.
the applicant. :	
----- : -----	

(2).

Joseph M. Edwards, being first duly sworn, upon his oath testifies as follows.

Examination by the Commission.

- Q What is your name? A Joseph M. Edwards.
Q What is your post office address, Mr. Edwards? A Panther.
Q What? A Panther.
Q What nation is that in? A Choctaw Nation.
Q What is your age, Mr. Edwards? A Forty-----in my forthfourth year
Q What is your mother's name? A Mary Edwards.
Q What is your father's name? A William.
Q They were both non-citizens? White people were they? A Yes sir
Q Your father was part Cherokee.
Q Your father was part Cherokee? A Yes sir.
Q Was he ever on any of the-----A He come here with the Indians when they moved here in 1836.
Q In 1836? A Yes sir.
Q Was he ever on any of their rolls? Tribal rolls? A Well, I don't know. I never did hear him say, but he come here in 1836.
Q Well, how much Cherokee did he have do you know? A He was a quarter.
Q Quarter? A Claimed to be a quarter, yes sir.
Q You would be one-eighth Cherokee then? A One-eighth Cherokee yes.
Q Is your father living? A No sir, he's been dead a number of years. Died in 1863.
Q Died in 1863? A Yes sir, March 6, 1863.
Q Mother dead also, is she? A Yes sir, she's been dead many a year. Twenty-six or seven years.
Q What is the name of your wife? A Ophelia S. Edwards.
Q What was her maiden name? A Lewis.
Q What was her father's name? A Madison Lewis. No, James M. Was his name.
Q James Madison? A Yes sir.
Q What was her mother's name, if you know? A Fera P.
Q Her mother still living? A Her mother still living, yes.
Q Are they Choctaws, either one of them? A Yes sir, her father is a Choctaw.
Q How long has he been dead? A About 1875. I don't just remember the date; my mother died the 6th of September following.
Q You say your mother died? A Yes. My wife's mother is still living.
Q Did you make an application to the Dawes Commission in 1896 for enrollment at the time you made an application for your wife? A Yes sir.
Q Do you know what action was taken by the Commission? A I was rejected.
Q Were you rejected by the Commission? A I think so.
Q Was your wife? A Yes, my wife was too.
Q Then the case was appealed? A Yes sir.

(3).

- Q Did you appeal the case for both yourself and your wife? A Yes sir.
- Q Did you have any children included in that application? A Yes sir.
- Q Your children and yourself and wife are all in the application? A Yes sir.
- Q And the Commission rejected both and you appealed to the United States Court for the Central District? A Yes sir.
- Q Do you know what the judgment of that Court was? A Why, it was in favor of us; we got a judgment.
- Q Were you admitted by that judgment? A I was not.
- Q You were not? A I was rejected.
- Q Was your wife admitted? A Yes sir.
- Q And children? A Yes sir.
- Q And you were rejected? A Yes sir.
- Q When were you married to your wife, Mr. Edwards? A The second marriage?
- Q No, the first one? A Yes sir, in 1874.
- Q 1874? A August 9, 1874.
- Q Where? A Arkansas. Right out there by the line.
- Q Married under the Arkansas law? A Yes sir.
- Q You have since that time married over, or remarried? A Yes sir remarried in 1879-----or 1899.
- Q You remarried her in 1899? A Yes sir.
- Q Under what law did you remarry in 1899? A Choctaw law.
- Q Choctaw law? A Yes sir.
- Q Took out a Choctaw license did you? A Yes sir, took out a Choctaw license.
- Q Paid the fee for the license? A Regular fee, yes sir.
- Q Is that on file; the license? A It's on file, yes sir.

Examination by J. G. Harley, Attorney.

- Q At the time you first married your wife, Mr. Edwards, had she ever lived in the Choctaw Nation? A I don't think she had. She had just come from Mississippi; they are on the Tribal Rolls in Mississippi.
- Q She had just come from Mississippi and gotten as far as Arkansas and you were married there? A Yes sir.
- Q At the time you were first married your wife wasn't recognized as a member of the Choctaw Tribe of Indians? A No sir.
- Q And was not so recognized until the judgment of the United States Court was rendered in her favor? A In 1897----1898, yes sir.
- Q After your wife was admitted, or rather after the judgment of the United States Court was rendered in her favor on her application for admission as a member of the Choctaw Tribe of Indians you have remarried her under the Choctaw laws? A Yes sir, after she was enrolled.
- Q After she was enrolled in that judgment? A Yes sir, after that judgment she was enrolled by the Commission at Spiro.

Re-examination by the Commission.

- Q Where are you living now? A I am living near Panther in the Choctaw Nation.
- Q How long have you been living there? A Well, I have been living in that County since 1898, the 22nd day of April, I think, 1898.
- Q The 22nd of April, 1898? A Yes sir.
- Q It wasn't April 1899, was it Mr. Edwards? A No sir, 1898, just after that judgment.
- Q Where did you live prior to that? A I was living in Arkansas., at the time of the judgment.
- Q Did you move to the Territory as soon as this judgment was rendered in 1898? A Yes sir, as soon as I could arrange my business.
- Q About how long after that judgment? A I think my family got in here the 20th or 22nd of April following the judgment.
- Q And when did you come? A I didn't come till July.
- Q July? A I was in official business there and I couldn't wind up my business till July.
- Q And you followed them out here in July, 1898? A Yes sir.
- Q And then in 1899 you took out this marriage license and married your wife under the Choctaw law? A Yes sir.

This case will be considered on the evidence and record as now made up.

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 8th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 10 day of April, 1902.

Wm. H. Thillard

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

C- 130
7-D- 2
7- 13
7- 14
7-D-295
7-D-299
7- 2708
7- 2708
7- 3277
7- 3279
7- 3280
7- 3294
7- 3295
7- 3296
7- 3297
7- 3298
7- 3284
23- 970
23- 991
23- 992.

In the matter of the application for the enrollment of THOMAS P. LEWIS, et al, as citizens by blood and intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, August 7, 1899, by Thomas P. Lewis for the enrollment of himself, his children, Lawrence Lewis, Laura Lewis, Antha L. Lewis, and Oscar Lewis as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Augusta M. Lewis, as a citizen by intermarriage of the Choctaw Nation; the census card record shows that on the same date application was made by Zora P. Lewis for the enrollment of herself as a citizen by blood of the Choctaw Nation; that on the same date application was made by Edward M. Lewis for the enrollment of himself and children, Gail B. Lewis, Edward H. Lewis and Zora A. Guyer as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Sarah E. Lewis, as a citizen by intermarriage of the Choctaw Nation; that on July 16, 1900, written application was filed for the enrollment of Lindly Blaine Guyer and on June 7, 1901, application was filed for the enrollment of Edith May Guyer; on September 24, 1902, application was filed for the enrollment of Fielding Lewis Guyer, minor child of William H. Guyer and Zora A. Guyer, as citizens by blood of the Choctaw Nation; that on August 7, 1899, application was made to the Commission to the Five Civilized Tribes by Edward M. Lewis for the enrollment of Sarah J. McKibben and her children, George L. McKibben, Cassie O. McKibben, Claude McKibben, Thomas P. McKibben and Grant McKibben as citizens by blood of the Choctaw Nation; that on the same date application was made by Lydia Clark to the Commission to the Five Civilized Tribes for the enrollment of herself as a citizen by blood of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by Virgil Cowart for the enrollment of himself as a citizen by blood of the Choctaw Nation and for the enrollment of his wife, Anna Cowart, as a citizen

by intermarriage of the Choctaw Nation; that on September 2, 1898, application was made by Marshall Cowart for the enrollment of himself and his brothers, Samuel P. Cowart and George V. Cowart, as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, during the month of August, 1899, by Lucy Adams for the enrollment of herself and her minor children, Mabel Adams and Earnest P. Adams, as citizens by blood of the Choctaw Nation; that on February 24, 1902, written application was filed for the enrollment of Ida Vadis Adams, minor child of said Lucy Adams and A. M. Adams as a citizen by blood of the Choctaw Nation; that on August 7, 1899, application was made to the Commission to the Five Civilized Tribes by Zora S. Early for the enrollment of herself and her daughter, Nellie Early, as citizens by blood of the Choctaw Nation; that on June 14, 1901, written application was filed for the enrollment of Albert Clarence Goodwin, minor child of Nellie Goodwin, nee Early, and John Goodwin as a citizen by blood of the Choctaw Nation; that on September 2, 1898, application was made to the Commission to the Five Civilized Tribes by Joseph H. Leard for the enrollment of himself, Madison Leard, Jack Leard, Maud Early and Hugh Early as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Belle Leard, as a citizen by intermarriage of the Choctaw Nation; that on February 28, 1901, written application was filed for the enrollment of Frank David Leard, minor child of Madison Leard and Eliza Leard as a citizen by blood of the Choctaw Nation; that on August 29, 1901, written application was filed for the enrollment of Elihu Venable, minor child of John Venable and Maud Venable as a citizen by blood of the Choctaw Nation; that on June 14, 1899, application was made to the Commission to the Five Civilized Tribes, at Spiro, Indian Territory, by Olivia Pryor for the enrollment of herself and her minor children, Kyle Douglass, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor and Sallie O. Pryor as citizens by blood of the Choctaw Nation; that on August 18, 1900, written applications were filed for the enrollment of Vernon Pryor and Earl Pryor, minor children of said Olivia Pryor and S. V. Pryor as citizens by blood of the Choctaw Nation; that on September 2, 1898, application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, by Angeline Tabor for the enrollment of herself and her minor children, Willie Tabor, Ben Tabor, and Herschel L. Tabor as citizens by blood of the Choctaw Nation; that on March 1, 1901, written application was filed for the enrollment of Ruthe Adams, minor child of Angeline Tabor, (now Adams) and J. J. Adams, and on August 7, 1902, written application was filed for the enrollment of Leona Tabor, minor child of Angeline Tabor and Sherman Tabor as citizens by blood of the Choctaw Nation; that on September 29, 1898, application was made to the Commission to the Five Civilized Tribes at Tishomingo, Indian Territory by Julius M. Leard for the enrollment of himself and his minor children, Frank Leard, Sadie Leard and Nannie Leard as citizens by blood of the Choctaw Nation; that on August 6, 1900, written application was filed for the enrollment of Barney Edward Leard and on November 1, 1901, written application was filed for the enrollment of David Leard, minor children of Sadie Leard and Julius M. Leard as citizens by blood of the Choctaw Nation; that on June 14, 1899, application was made to the Commission to the Five Civilized Tribes at Spiro, Indian Territory, by Ophelia S. Edwards for the enrollment of herself and children, Charles Edwards, Lula J. Edwards, Martha J. Edwards, David L. Edwards and Luther W.

Edwards as citizens by blood of the Choctaw Nation; that on August 5, 1899, application was made to the Commission to the Five Civilized Tribes at Hartshorne, Indian Territory, by Joseph M. Edwards for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made on September 9, 1896, for the admission of certain of the applicants as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 stats., 321), the names of the applicants herein appearing in said application as follows: Zora P. Lewis, Edward M. Lewis, Sarah E. Lewis, Gail B. Lewis, Zora A. Lewis, Edward H. Lewis, Thomas P. Lewis, Augusta M. Lewis, Laura A. Lewis, Antha Lewis, Lawrence Lewis, Oscar Lewis, Lydia Clark, Olivia Pryor, Kyle Douglass, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor, Virgil Cowart, Annie Cowart, Samuel P. Cowart, George V. Cowart, Marshall Cowart, Angeline Tabor, Willie L. Tabor, Benny H. Tabor, Herschel L. Tabor, Julius M. Leard, Frank A. Leard, Sudie E. Leard, Nannie E. Leard, Maude Early, Hugh H. Early, Joseph H. Leard, Bell Leard, Madison L. Leard, Jackson A. Leard, Sarah Jane McKibben, George Lewis McKibben, Cassie O. McKibben, Claud T. McKibben, Thomas P. McKibben, Zora S. Early, nee Lewis, Lucy Adams, nee Early, Nelly O. Early, Mable Adams, Ophelia S. Edwards, Joseph M. Edwards, Charles Edwards, Lula Edwards, Martha J. Edwards and David L. Edwards. The names of George W. McKibben and Preston Early were also included in said application.

On December 4, 1896, the Commission to the Five Civilized Tribes denied the above application from which decision appeal was taken to the United States Court for the Central District of Indian Territory, which Court on January 19, 1898, reversed the decision as to the above applicants and admitted said applicants to citizenship in the Choctaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court of December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al".

Said cause as to all the applicants herein except Sarah J. McKibben and Edward M. Lewis was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 stats., 641), for a trial de novo and on December 3, 1904, in the case entitled "Zora P. Lewis, et al, vs. Choctaw and Chickasaw Nations", said Citizenship Court rendered a judgment wherein it was "ordered adjudged and decreed that the petition of the plaintiffs, Zora P. Lewis, Thomas P. Lewis, Zora S. Early, Olivia Pryor, Gale B. Wooding or Gale B. Lewis or Gail B. Lewis, Marshall Cowart, Virgil Cowart, Angelina Adams or Angelina Tabor or Angeline Tabor, Julius M. Leard, Madison Leard or Madison L. Leard, Jack Leard, Maude Early, Hugh Early, Olivia Clark, Lawrence Lewis, Laura Lewis, Lucy Adams, Nellie Goodwin or Nellie Early, George L. McKibbin or George Lewis McKibben, Cassie O. McKibbin or McKibben, Claud McKibbin or McKibben, Thomas P. McKibbin or McKibben, Frank A. Leard, Mabel Adams ... Zora A. Lewis, Edward H. Lewis, Sudie Leard, Nannie Leard, Ben Tabor, Herschel Tabor, Kyle Douglass or Douglas, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary P. Pryor or Mary E. Pryor ... Antha L. Lewis or Antha L. Lewis, Oscar Lewis ... Joseph H. Leard, Sarah E. Lewis, Augusta M. Lewis, Samuel P. Cowart, George V. Cowart, Anna Cowart and Belle Leard be denied and

that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On the same date said Citizenship Court rendered a judgment in the case of "Preston Early, et al, vs. Choctaw and Chickasaw nation" wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Preston Early, Joseph M. Edwards, George W. McKibbin or McKibben . . . be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On the same date said Citizenship Court rendered a judgment in the case entitled "Ophelia S. Edwards, et al, vs. Choctaw and Chickasaw nations" wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Ophelia S. Edwards, David L. Edwards, Charles Edwards, Lela Hayes or Julia Edwards and Martha J. Smith or Martha J. Edwards be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On January 19, 1905, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Earnest P. Adams, Ida Vadis Adams, Frank David Leard, Elihu Venable, Sallie O. Pryor, Vernon Pryor, Earl Pryor, Ruthe Adams and Leona Tabor. January 21, 1905, said Commission issued orders dismissing the applications for the enrollment of Lindly Blaine Guyer, Edith May Guyer, Fielding Lewis Guyer, Albert Clarence Goodwin and Luther W. Edwards. On January 24, 1905, said Commission issued an order dismissing the applications for the enrollment of Barney Edward Leard and David Leard. Said orders were based on the fact that the rights of the persons through whom the above applicants claim the right to enrollment as citizens of the Choctaw Nation have been adversely determined by the Choctaw and Chickasaw Citizenship Court.

On January 26, 1905, said Commission issued an order dismissing the application for the enrollment of Grant McKibben for the reason that the rights of said applicant's brothers and sisters whose status as citizens by blood of the Choctaw Nation was identical with the status of said applicant had been adversely determined by said Choctaw and Chickasaw Citizenship Court.

On the same date said Commission issued orders dismissing the application for the enrollment of Sarah J. McKibben and Edward M. Lewis as citizens by blood of the Choctaw Nation for the reason that the judgment of the United States Court of January 19, 1898, favorable to said applicants had been set aside by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, and said cause as to said applicants was not certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo.

On June 26, 1906, there was received at the office of the Commissioner to the Five Civilized Tribes a petition praying for the enrollment of the following persons as citizens by blood of the Choctaw nation: Zora P. Lewis, Thomas P. Lewis, Augusta M. Lewis, Lydia Clark, George Clark, Lawrence Lewis, Laura Lewis, Frank Davis, Antha Lewis, Oscar Lewis, Rhoda Cowart, Olivia Pryor, Virgil Cowart, Marshall Cowart, George W. Cowart, Kyle Douglass,, Henry Jordan,

Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor, Olivia Pryor, Vernon Pryor, Earle Pryor, Emmett Pryor, Josie Pryor, William Early, William E. Hays, Cora Bailey, Samuel Douglas, Ethel Douglas, Henry Nunn, Tula Nunn, Zora S. Early, Preston Early, Lucy Adams, A. M. Adams, Nellie Goodwin, John Goodwin, Mabel Adams, Ernest Adams, Vadice Adams, Alvey Adams, Clarence Goodwin, Theodore Goodwin, Susan Early, Angeline Adams, John Adams, Julius Leard, Ludie Leard, Madison L. Leard, Eliza Leard, Jack Leard, Susie Leard, Joseph H. Leard, Belle Leard, Hugh Early, Maude Venable, John Venable, Willie Tabor, Benjamin Tabor, Herschel L. Tabor, Ruth Adams, Rufus Adams, Frank Leard, Sudie Leard, Nannie Leard, Barnie Leard, Dave Leard, Frank Leard, Roy Leard, Oma Leard, Elihu Venable, Alice Venable, Jewell Venable, Edward M. Lewis, Sarah E. Lewis, Gail Wooding, John L. Wooding, Zora A. Guyer, William H. Guyer, Edward H. Lewis, Clinton L. Wooding, Lindley B. Guyer, Fielding L. Guyer, Edith Guyer, Jesse Lee Guyer, Rosa F. Guyer, Sarah J. McKibben, G. W. McKibben, George Lewis McKibben, Cassie O. McKibben, Claud McKibben, Thomas P. McKibben, Ophelia Edwards, J. M. Edwards, Charles Edwards, Lula Ratteree, Eugene Ratteree, Martha J. Smith, Oscar Smith, David Self, _____ Self and Leta Ratteree.

It is alleged in the petition that the petitioners are entitled to enrollment under the supervisory authority of the Honorable Secretary of the Interior as members of the Choctaw nation by virtue of their Choctaw descent and their residence with said tribe.

The following persons mentioned in the petition are identical with the persons for whose enrollment as citizens by blood and intermarriage of the Choctaw Nation application was made under the provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495): Zora P. Lewis, Thomas P. Lewis, Augusta M. Lewis, Lydia Clark, Lawrence Lewis, Laura Lewis, Antha Lewis, Oscar Lewis, Olivia Pryor, Earl Pryor, Virgil Cowart, Marshall Cowart, George W. Cowart, Kyle Douglass, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor, Edward M. Lewis, Sarah E. Lewis, Joseph H. Leard, Belle Leard, Olivia Pryor, Vernon Pryor, Zora S. Early, Lucy Adams, Nellie Goodwin, Mabel Adams, Earnest Adams, Vadice Adams, Clarence Goodwin, Angeline Adams, Julius Leard, Madison L. Leard, Jack Leard, Hugh Early, Maude Venable, Willie Tabor, Benjamin Tabor, Herschel L. Tabor, Ruth Adams, Frank Leard, Sudie Leard, Nannie Leard, Barnie Leard, Dave Leard, Frank Leard, Elihu Venable, Gail Wooding, Zora A. Guyer, Edward H. Lewis, Lindley B. Guyer, Fielding L. Guyer, Edith Guyer, Sarah J. McKibben, George Lewis McKibben, Cassie O. McKibben, Claud McKibben, Thomas P. McKibben, Ophelia S. Edwards, Charles Edwards, Lula Ratteree, Martha J. Smith and J. M. Edwards.

Application was made under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), for the enrollment of the following persons as citizens by blood of the Choctaw nation: July 20, 1906, Alva Adams, born January 5, 1905, minor daughter of A. M. Adams, and Lucy Adams;

July 23, 1906, Theodore Early Goodwin, born January 31, 1905, minor son of John T. Goodwin and Nellie Goodwin.

July 24, 1906, Clinton L. Wooding born June 23, 1905, minor son of John L. Wooding and Gail B. Wooding.

July 20, 1906, Jessie Fay Guyer and Rosa Lee Guyer, born January 4, 1904 and March 22, 1905, respectively, children of J. W. Guyer and Zora A. Guyer.

It is not alleged in the petition that any of the petitioners herein ever occupied such a status as would entitle them to enrollment as citizens by blood or intermarriage of the Choctaw nation; neither can any of the petitioners be identified with any

of the persons whose names appear on any of the tribal rolls of the Choctaw Nation in the possession of this office.

Section one of the Act of Congress approved April 26, 1906 (34 Stats., 137) provides in part as follows:

"No motion to reopen or reconsider any citizenship case in any of said tribes shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act".

I am of the opinion that inasmuch as the petition herein was not filed within sixty days after the passage of the Act of April 26, 1906 (34 Stats., 137), I am without authority to receive or consider said petition in so far as same applies to those applicants for whose enrollment application was made under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

I am, therefore, of the opinion that inasmuch as it does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants ever occupied such a status as would entitle them to enrollment as citizens by blood and intermarriage of the Choctaw Nation, the decisions of the Choctaw and Chickasaw Citizenship Court of December 3, 1904, are final and that the applications for the enrollment of Zora P. Lewis, Zora S. Early, Nellie Early, Thomas P. Lewis, Lawrence Lewis, Laura Lewis, Antha L. Lewis, Oscar Lewis, Lydia Clark, Virgil Cowart, Marshall Cowart, Samuel P. Cowart, George V. Cowart, Julius M. Leard, Frank Leard, Sudie Leard, Nannie Leard, George L. McKibben, Cassie O. McKibben, Claude McKibben, Thomas P. McKibben, Joseph H. Leard, Madison Leard, Jack Leard, Maud Early, now Maud Venable, Hugh Early, Olivia Pryor, Kyle Douglass, Henry Jordan, Rhoda Jordan, George Pryor, James Pryor, Mary E. Pryor, Angeline Adams, formerly Tabor, Willie Tabor, Ben Tabor, Herschel L. Tabor, Zora A. Guyer, Lucy Adams, Mabel Adams, Gail B. Lewis, now Gail B. Wooding, Edward H. Lewis, Zora Jordan, Ophelia S. Edwards, Charles Edwards, Lula J. Ratteree, nee Edwards, Martha J. Smith, nee Edwards and David L. Edwards as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641) and that the petition herein, in so far as it applies to said applicants, should be dismissed and it is so ordered.

I am further of the opinion that the application for the enrollment of Augusta M. Lewis, Anna Cowart, Sarah E. Lewis, Belle Leard and Joseph M. Edwards as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641) and that the petition herein in so far as same applies to said petitioners should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners Edward M. Lewis, Sarah J. McKibben, Ruth Adams, Leona Tabor, Sallie O. Pryor, Vernon Pryor, Earl Pryor, Frank David Leard, Elihu Venable, Grant McKibben, Barnie Edward Leard, David Leard, Albert Clarence Goodwin, Lindly Blaine Guyer, Edith May Guyer, Elsie Lewis Guyer, Earnest P. Adams and Ida Vada Adams, whose applications for enrollment have heretofore been dismissed, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners G. W. McKibben, John L.

Wooding, William Early, William H. Guyer, John Adams, Ludie Leard, wife of Julius Leard, Eliza Leard, Susie Leard, John Venable, Frank Davis, George Clark, A. W. Adams, Preston Early, John Goodwin, Eugene Ratteree, Oscar Smith, Rhoda Cowart, Davie Self and _____ Self, husband of Davie Self, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Emmett Pryor, Josie Pryor, Cora Bailey, Samuel Douglass, Ethel Douglass, Henry Nunn, Lula Nunn, Jesse Lee Guyer, Rosa W. Guyer, Rufus Tabor, Roy Leard, Oma Leard, Alice Venable, Jewell Venable, Lesta Ratteree and William E. Hays should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) and that inasmuch as said applications were not filed within the time limited by the provisions of said Act, the same should be dismissed, and it is so ordered.

I am further of the opinion that the application filed July 23, 1906 and July 24, 1906, for the enrollment of Alva Adams, Theodore Early Goodwin, Clinton L. Wooding, Jessie Way Guyer and Rosa Lee Guyer and the petition herein in so far as same applies to said applicants should be dismissed, and it is so ordered.

(signed) Tams Bixby,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

Feb 13 1907

Leonard C. Oliver

Record transferred to Chartaceo
card # 2

Choc D295 Eliza E. Leard

Dismissed Jan 21, 1905

D295

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment
as a citizen by intermarriage of the Choctaw Nation of-
Eliza E. Leard.

7-D-295.

Commission to the Five Civilized Tribes,

Okmulgee, Indian Territory.

In the enrollment of Eliza E. Leard as intermarried Choctaw; Madison Leard being sworn and examined by Com'r McKennon testifies:

- Q What is your name? A Madison Leard.
- Q How old are you? A Twenty-two.
- Q You were admitted by the United States court for the Central District at South McAlester were you? A Yes sir.
- Q As a citizen of the Choctaw Nation by blood? A Yes sir.
- Q You present here a license issued by the Clerk of the United States Court for the Southern District to marry E. E. Scott?
- A Yes sir.
- Q She is a white woman? A Yes sir.
- Q Where were you when you were registered last year?
- A I was in Honolulu.
- Q When did you return to the Chickasaw Nation? A The 20th day of December I think it was.
- Q Had you ever resided in the Choctaw Nation? A Yes sir.
- Q When? A Up to 1895. I joined the Army in 1895.
- Q How long had you been living in the Choctaw Nation then?
- A All my life I suppose; I have been in the Territory as long as I can remember.
- Q And you joined the Army in 1895? A Yes sir.
- Q And were with the Army what up to what time? A Until the 14th day of October last.
- Q And then you came to the Chickasaw Nation? A Yes sir, came to the ~~Chickasaw~~ ^{Choctaw} Nation, and from there went to the Chickasaw Nation to see my brother.
- Q You didn't stop in the Choctaw Nation? A No sir, only just a few days.
- Q Then went into the Chickasaw Nation? A Yes sir.

Eliza E. Leard, Madison Leard witness #2)

Q Have you been living there since? A Yes sir, I rented land there for this year.

Q And up to the time of your marriage, which was on the 1st day of February 1899? A Yes sir. I was in the Choctaw Nation until after Christmas and then I went to visit my brother in the Chickasaw Nation, rented there and been there ever since. I had no place at that time, and I rented.

Department of the Interior.

Commission to the Choctaw Nation.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. McLean

No 1149

Certificate of Record of Marriage.

UNITED STATES OF AMERICA,)
THE INDIAN TERRITORY,) SCL.
SOUTHERN DISTRICT.

I, C. M. CAMPBELL, Clerk of the United
States Court in the Territory and District
aforesaid, DO HEREBY CERTIFY, that the
License for, and Certificate of Marriage of
Mr. *M. L. Leard* and
M. *E. E. Scott*

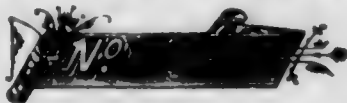
were filed in my office in said Territory and
District the *7* day of *July*
A. D. 189*9*, and duly recorded in Book
D of Marriage Record, page *101*.

WITNESS my hand and seal of said Court,
at Ardmore, this *16* day of *Feb*
A. D. 189*9*.

C. M. Campbell CLERK.

ARDMORE TYPE JOB PRINT, ARDMORE, I. T.

*Return the License
to the man who
issued*



MARRIAGE LICENSE.



UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT.

SS. To Any Person Authorized by Law
to Solemnize Marriage—Greeting:

You Are Hereby Commanded, To solemnize the Rite and
publish the **BANNS OF MATRIMONY** between
Mr. *H. E. Lane* of *Reber*
in the Indian Territory, aged *21* years, and
M. B. Scott of *Reber*
in the Indian Territory, aged *17* years,
according to law; and do you officially sign and return this License
to the parties therein named.

Witness my hand and official seal, this *30th* day
of *January* A. D. 1899

C. M. Campbell
By *J. J. Fleming* *Deputy* of the United States Court.

Certificate of Marriage.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
SOUTHERN DISTRICT.

I, *J. J. West*,
SS. a *ordained minister*

do hereby certify, that on the *1st* day of *February* A. D. 1899, I
did duly, and according to law, as commanded in the foregoing License, solemnize the
Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand, this *1st* day of *February* A. D. 1899.

My credentials are recorded in the office of the Clerk of the United States Court,
Indian Territory, Southern District, at Ardmore, Book *A* Page *65*

J. J. West
A *ordained minister*

NOTE (a) This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court
in the Indian Territory, at Ardmore, within sixty days from the date thereof, or the party to whom the License
was issued will be liable in the amount of One Hundred Dollars (\$100).

NOTE (b) No person is authorized to perform the marriage ceremony in the Southern District, unless the proper creden-
tials have first been recorded in the Clerk's office at Ardmore.

Alf

7-2-295

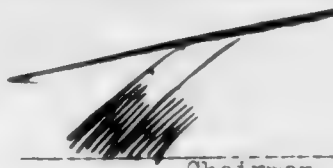
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Eliza S. Leard, for
enrollment as a citizen by intermarriage of the Choctaw Nation.

The applicant Eliza S. Leard, claims the right to enroll-
ment as a citizen by intermarriage of the Choctaw Nation by reason
of her marriage to Madison Leard.

The right of the applicants husband, Madison Leard (as
Madison Leard, or Madison L. Leard) to citizenship in the Choctaw
Nation having been adversely determined by a decree of the Choctaw
and Chickasaw Citizenship Court of December 3, 1904, in case No.
58 upon the South McAlester Docket of said Court, it is hereby
ordered that the application of Eliza S. Leard for enrollment as
a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

uskowee, Indian Territory.

W. H. H. H. H.

Choctaw D-295.

COPY.

Muskogee, Indian Territory, January 21, 1905.

Eliza E. Leard,

Beebe, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 21, 1905, dismissing your application for enrollment as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

SIGNED

Jams Bixby

Chairman.

Registered.

Incl. 7-D-295.

Choctaw D-295.

COPY.

Muskogee, Indian Territory, January 21, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 21, 1905, dismissing the application for the enrollment of Eliza E. Leard as a citizen by intermarriage of the Choctaw Nation.

Respectfully,
(SIGNED).

Jame Berry

Chairman.

Incl. 7-D-295.

W (1)

MEMORANDA.

Calvin

(Date) 1899.

Name

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name,

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children:

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

210

D 296

Choctaw

Ernest Terrell

Transferred to 7-434
Feb. 15, 1902

Choc D297 Richard Bowlin

D297

Richard Bowlin

ANCELL
Applicant died prior to September 25, 1902 the date
of the ratification of the Phocleu and Chickasaw agreement

In the matter of the ap-
 plication of **Richard Bowlin**:
 for enrollment as a citizen:
 by intermarriage of the
 Choctaw Nation.

D-257.

Now on this 8th day of April, 1902, this cause coming on to be heard pursuant to said notice, the following proceedings were had:

APPEARANCES: -

Richard Bowlin, the appli- : No appearance on behalf
cant in person. : of the Choctaw and Chickasaw
: Nations.
J. F. McKeel, attorney for :
the applicant. :

No appearance on behalf
of the Choctaw and Chickasaw
Nations.

(2).

Richard M. Bowlin, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Richard M. Bowlin.
Q Richard M.? A Richard M., yes sir.
Q What is your age, Mr. Bowlin? A Why, I believe when I registered I give it fifty-five.
Q What is it now? A I guess fifty eight.
Q What is your father's name? A George Bowlin.
Q White man, or Choctaw? A White man.
Q Living or dead? A Dead.
Q Your mother's name? A My mother was Nancy Bowlin.
Q Nancy Bowlin? A Yes sir.
Q Is she living or dead? A She's dead.
Q Was she a citizen or non citizen of the Choctaw Nation? A Non-citizen.
Q You claim then as an intermarried white, do you? A Yes sir.
Q Are you the same person who appeared before the Commission in 1899 and was listed as Richard Bowlin? A Yes sir.
Q When were you married to your Choctaw wife? A Why, the license will show.
Q The license is dated April 29, 1899. What was your wife's maiden name? A Susie Lawrence.
Q Were you ever married to your wife prior to the 29th day of April 1899, the date of this Chickasaw license? A No sir.
Q That was your first marriage was it? A Yes sir.
Q Where were you living, Mr. Bowlin, at the time of your marriage to your wife on April 29, 1899? A I was living in the Chickasaw Nation, at Conway; right half a mile North of Conway in the Chickasaw Nation.
Q Chickasaw Nation-----how long have you been living there? A I have been living there about four years.
Q Four years? A On that place, four or five years; going on five years, I guess.
Q Five? A Yes sir.
Q How long have you been living in the Indian Territory? A I have been in the Territory thirteen years.
Q Thirteen years? A Yes sir.
Q Been your home all the time? A All the time; never been out.
Q You still live-----what is your present post office address?
A Conway.
Q Where was your wife living at the time you married her? A She was living in the Chickasaw Nation.
Q In the Chickasaw Nation? A Yes sir.
Q Where? A Right where she is living to-day, at Conway there.
Q At Conway? A Yes sir.
Q Then you took her and went to the Choctaw Nation and took out a Choctaw license? A No sir, I took out a Chickasaw license.

(3).

- Q Where did you get that Chickasaw license? A I got them at Allen there, from Judge Wolfe.
- Q You got them at Allen? A Yes sir, a little west; the Judge lived about three miles West of Allen.
- Q Your wife was residing near Conway, Chickasaw Nation, at the time of your marriage? A Yes sir; been there ever since.
- Q I believe you said this was your first marriage? A Yes sir.
- Q Had you ever been married prior to this marriage, Mr. Bowlin? A Yes sir, been married once before.
- Q Is your first wife living? A Yes sir, she's living.
- Q Are you separated from her? A Yes sir.
- Q Got a divorce from her? A Yes sir.
- Q Where? A Kansas City.

The applicant asks a reasonable time in which to furnish the Commission a certified copy of the decree of divorce between himself and his first wife.

- Q When was that divorce granted? Do you remember the year Mr. Bowlin A No sir; it's been a good while ago though; it's been fifteen or sixteen years ago. I disremember just exactly now. I was living in Kansas City at the time; it's been fifteen or sixteen years ago.
- Q Did you obtain this Chickasaw license from the County or Probate Judge of Pontatoc County, Chickasaw Nation? A Yes sir.
- Q In the regular way? A Yes sir.
- Q Did you pay their regular license fee? A Yes sir, I paid fifty dollars right there.
- Q Paid fifty dollars? A Yes sir; no scrip about it. It was just greenback right out.
- Q In 1899 at the time you obtained this marriage license what was the marriage license fee in the Chickasaw Nation do you know? A Under the Chickasaw law?
- Q Yes sir. A Fifty dollars.
- Q Do you know what it is now? A I think it's a thousand.
- Q Thousand? A Yes sir. I don't know when they raised it to that.

Examination by Attorney McKeel.

- Q Where was your wife raised, Mr. Bowlin? A I think she was raised in the Choctaw Nation, down close to Guertie, about six miles east of Guertie.

By the Commission.

The wife of the applicant appears on Choctaw Cars No. 3267 to which reference is made.

Examination by Attorney.

- Q You were married on April 29, 1899; when with reference to that date did your wife take up her residence in the Chickasaw Nation?
A Why, it was about three---four or five days before that; about five days before that, she was over there; she was going to marry me and knowed that would be her home.
- Q She then removed from the Choctaw Nation to the Chickasaw Nation on April 24, 1899? A Yes sir, about that time I think. I don't know just exactly the dates.
- Q Are you positive it was as much as three or four days before you were married? A Yes sir, it was as much as that if not longer.
- Q Who removed her from the Choctaw Nation to the Chickasaw Nation?
A Her own uncle.
- Q State whether or not she removed her belongings and effects at that time? A Yes sir, everything she had; she didn't have much; just a few little clothes is all she had.
- Q State how she moved and in what kind of a conveyance? A Come in a wagon; two horse wagon.
- Q Brought all her belongings and effects.
- Q How long was it from the time she removed there as you state on April 24, 1899, until she returned to the Choctaw Nation? A Well she never has been to the Choctaw Nation but once since we have been married; that was about two years.
- Q Did she at any time return to the Choctaw Nation previous to your marriage with her, after moving up there? A Once; just once; went down to see her people.
- Q Previous to your marriage? A No; no sir.
- Q How long was it from the time she moved up there on April 24th until she went back? A About two years.
- Q About two years? A It might have been a little better; about two years. Then she wouldn't have went but there was a fellow going down there with a wagon that lived on my place and she asked me if she couldn't go along and I told her yes and she hopped in and went.
- Q Do you know what the regular license fee is for a license in the Choctaw Nation? A Yes sir, it's a hundred dollars.
- Q What is it? A Hundred dollars.
- Q Do you know what the regular license fee is for a license in the Chickasaw Nation, or what it was? A Yes sir.
- Q What was it? A Fifty dollars.
- Q Then was it a business proposition that you came to the Chickasaw Nation---well, I will ask you this; to what fund, if you know, does the license fee in the Choctaw Nation belong? Do you know that? A Do I know it?
- Q To what fund the license fees collected in the Choctaw Nation belong? A No sir, I didn't at that time.
- Q Do you know whether you could have paid the license fee in the Choctaw Nation for anything besides cash? A Yes sir, I could have got it for warrants and scrip I could have got the scrip for ten dollars.
- Q On the other hand you paid in the Chickasaw Nation fifty dollars cash for the license? A Yes sir.
- Q Then why did you marry in the Chickasaw Nation? A Well, I was just living in the Chickasaw Nation and my wife too, right where we live to-day.
- Q Well, I see here, Mr. Rowlin, at the time of that examination by

(5).

Mr. McKennon at Calvin, in 1899, that you stated that your wife lived in the Choctaw Nation; he asked you the question, did she live in the Choctaw Nation at the time that you married, and to which you answer yes sir. Can you explain how that remark occurred? A Well, I guess she was living there when I married her; she was living in the Chickasaw Nation of course, I don't know. She wasn't living in the Choctaw Nation when I married her; it was just an error of me that I told them that because she wasn't living in the Choctaw Nation.

Q And had been for four or five days? A Had been for four or five days living there before I married her.

Re-examination by the Commission.

- Q Mr. Bowlin, you and your wife had an agreement to marry prior to her going to the Chickasaw Nation? A No sir.
- Q You wasn't engaged to marry her? A No sir, I never seen my wife till the morning I went for her, because her uncle made the match for her, her own uncle; her own uncle was anxious and told me it was all right and brought her there to my house where I was living.
- Q Well, isn't it a fact that she left the Choctaw Nation and came over there for the purpose of marrying you under an arrangement made by her uncle that you and she should marry after she came over there? A Why, I don't know-----I don't think----- Why, I guess she did-----yes, I guess she did because he told her that I had a good home there and was able to take care of her, and she said she would marry me with that understanding.
- Q And you never had seen her? A I never had seen her until the morning we married.
- Q She is still living? A Yes sir.
- Q You and her are still living together as man and wife? A Yes sir.
- Q Never separated? A No sir; never expect to, I guess, as long as we live unless death parts us.

This case will be considered upon the evidence and record as now made up.

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 8th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 10th day of April, 1902.

James M. Belford
Notary Public.

Choctaw D-297.

Muskogee, Indian Territory, February 28 1902.

Richard Bowlin,

Conway, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 8th day of April, 1902.

On said date you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. C. Needles.

Commissioner in Charge.

Register.

Commission to the Five Civilized Tribes,

Calvin, Indian Territory.

In the enrollment of Richard M. Bowlin as intermarried Choctaw; being sworn and examined by com'r McKennon as testifies:

- Q What is your name? A Richard M. Bowlin.
- Q What is your age? A Fifty-five years old.
- Q You present here a license to marry Susa Lawrence, is she a Choctaw woman? A I think she is Choctaw and Chickasaw.
- Q Do you know whether she is a Choctaw citizen or a Chickasaw?
- A I think she claims as a Choctaw.
- Q Do you want to enroll as a Choctaw or a Chickasaw?
- A I would as soon enroll as a Chickasaw.
- Q You know she is enrolled as a Choctaw citizen don't you?
- A No sir, I didn't at the time.
- Q Did she live in the Choctaw Nation at the time that you married her? A Yes sir.
- Q Your license you obtained in the Chickasaw Nation did you?
- A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
 stenographer to the above named Commission, that this
 transcript is a true and correct translation of
 my stenographic notes.

McKennon

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, DECEMBER 5, 1900.

Choctaw D 297

In the matter of the application of Richard Bowlin for enrollment as a citizen of the Choctaw Nation.

Contention of the Choctaw Nation.

By Mr. Cornish.

The question, as I understand it, is the Indian woman whom he married was residing in the Choctaw Nation and he procured his license in the Chickasaw Nation.

That fact is admitted by J. F. McKeel, attorney for applicant.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings in the above entitled cause, and that the above and foregoing is a true and correct transcript of her stenographic notes in said cause.

Subscribed and sworn to before me this 6th day of December, 1900.


Acting Chairman.

Wm
Price

I hereby certify that the foregoing
marriage license and marriage
certificate are recorded in marriage
record, book C on page 61
this 27th day of May A.D. 1899
Sam Imricher Cor. prob. clerk
Pontotoc County Okla

Conway 17 April 1877

Know All Men By these presents
That I Simon Neffa Judge of Pontotoc
County Chickasaw Nation And by these presents
license to R. M. Beulin of Conway 17
and Miss Suoa Lawrence a Choctaw Indian
By Blood - 18 years of age
This authorizes any officer or Minister
to join in the ceremony Bonds of
Matrimony above parties

Simon Neffa

Simon Neffa

Simon Neffa

I do hereby solemnize the ceremony
of matrimony between
the above named parties
on the 17th of April 1877
at Conway
in the
County of Pontotoc
Chickasaw Nation
A. D. 1877

7/

IN RE
THE DEATH OF

L. M. Rowley
a citizen of the
Choctaw Nation.

Approved NOV 5 1902

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES.

FILED

NOV 5 1902

[Signature]
ACTING CHAIRMAN.

-247

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the death of

B. M. Bouslin

(Here insert name of deceased.)

a citizen of the

Cherokee

Nation, who formerly resided at or near

Conway

, Ind. Ter., and died on the

19th

day of

Sept

1902

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Sevier District.

I, Susan Bouslin, on oath state that I am 17

years of age and a citizen, by Blond, of the Cherokee Nation;

that my post office address is Conway, Ind. Ter.; that I

(Here insert name of post office.)

Wife

of

B. M. Bouslin

(State relationship as the father, an uncle, a cousin, etc.)

(Here insert name of deceased.)

who was a citizen, by Marriage, of the Cherokee Nation;

and that said B. M. Bouslin died on the 19th day of

(Here insert name of deceased.)

Sept

1902

WITNESSES TO MARK

(Must be Two Witnesses.)

W. Allison
Alice Allison

Subscribed and sworn to before me this 3^d day of November 1902

W. Allison

Notary Public

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Sevier District.

I, Alice Allison, on oath state that I am 20

years of age, and a citizen, by Blond, of the Cherokee Nation;

that my post office address is Conway, Ind. Ter.;

(Here insert name of post office.)

that I was personally acquainted with B. M. Bouslin

(Here insert name of deceased.)

who was a citizen, by Marriage, of the Cherokee Nation;

and that said B. M. Bouslin died on the 19th day of

(Here insert name of deceased.)

Sept

1902

Alice Allison

WITNESSES TO MARK

(Must be Two Witnesses.)

Subscribed and sworn to before me this 3^d day of November 1902

W. Allison

Notary Public

Muscogee, Indian Territory,

August 18th, 1900.

Richard Howlin,

Conway, Indian Territory

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-297.

Muskogee, Indian Territory, March 26, 1902.

J. F. McKeel,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you state that you represent A. W. Cope and that you desire a continuance in the matter of the final hearing in his case from April 3, 1902, and request that it be arranged to hear his case and that of R. M. Bowlin, of Conway, Arkansas, whom you also represent, at the same time.

Replying to your letter you are informed that a continuance has been granted in the matter of the application of A. W. Cope for enrollment as a citizen of the Choctaw Nation until April 8, 1902, and that on that day the testimony of such witnesses as present themselves in person will be heard in support of such application at the office of the Commission at Muskogee, Indian Territory. The case of Richard Bowlin is set for hearing on the same day and date.

Yours truly,

Commissioner in Charge.

7-D-297.

Shutkosee, Indian Territory, November 8, 1902.

Susie Berlin,

Conway, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit and that of Alice Allison relative to the death of your husband, R.W. Berlin, a citizen by intermarriage of the Choctaw Nation, which occurred September 19, 1902; and the same being in proper form have been duly filed with the records of the Commission as evidence of death of the above named person.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, February 2, 1904.

Susie Brown,

Lebanon, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit stating that the Joe Thomas referred to by you in your testimony taken at Ardmore, Indian Territory, October 28, 1902, and the J. P. Thomas, named in the decree of divorce on file with our records are identical and the same has been duly filed with the records of the Commission, in the matter of your application for enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Commissioner in Charge.

Choctaw-D-297.

Muskogee, Indian Territory, October 13, 1904.

Lucy Dick,

Wapanucka, Indian Territory.

Dear Madam:

It appears from the records of the Commission that you are listed for enrollment as a citizen of the Choctaw Nation and that your name appears upon the 1885 and 1896 Choctaw Census Rolls and also upon the 1893 Chickasaw Leased District Payment Roll.

You are hereby notified that you will be allowed fifteen days from the date hereof within which to file with the Commission your affidavit electing whether you wish to be enrolled as a citizen of the Choctaw Nation or as a citizen of the Chickasaw Nation, under the following provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495):

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe

Lucy Dick.--2.

he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

Respectfully,

Commissioner in Charge.

CHOCTAW D 298

Chester C. Wood

ADMITTED

*and transferred
to Choctaw 3276*

MAY 20 1905

Choc D299 Thomas P. Lewis

See per #C-130

D299

Muscogee, Indian Territory

August 18th, 1900.

Thomas P. Lewis,

Stewart, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Augustus M., Lawrence, Laura, Arthur L., and Oscar Lewis as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-299.

Muskogee, Indian Territory, September 7, 1900.

Mrs. Augusta M. Lewis,

South McAlester Indian Territory.

Dear Madam:

You are hereby notified that the Choctaw Nation through its attorneys, McKennon, Mansfield, McMurray & Cornish, has filed with this Commission, a notice of protest to your enrollment and the enrollment of your husband, Thos. P. Lewis and of your children, Lawrence, Laura, Arthur L. & Oscar Lewis as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory and at that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case and this hearing will be final. A notice of this protest was mailed to your husband, Thos. P. Lewis at Stuart, August 18th, 1900 but since then the Commission has been informed that you are not now living with your husband and this letter is addressed to you so that you may have notice of such protest being filed.

Yours truly,

Acting Chairman.

In reply please
refer to 7-D-299

Muskegee, Indian Territory, September 7, 1900

McKernon, Mansfield, McMurray & Cornish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

In the matter of the protest filed by you to the enrollment of Thos. P. Lewis et al on our Choctaw roll card, Field No. D 298.

The Commission is in receipt of information that Thos. P. Lewis and Augusta M. Lewis, his wife, have separated and that Mrs. Lewis is now living at South McAlester, Indian Territory.

The Commission has therefore notified Mrs. Lewis at the latter place that the protest has been filed as to the enrollment of herself and her children and also notified Mr. Lewis at Stuart of the protest.

Therefore, for your guidance when you serve the notices as agreed upon, the Commission has to request that both Mr. Lewis be notified at Stuart, his given post-office address, and Mrs. Lewis at South McAlester, Indian Territory.

Yours truly,

In reply please
refer to 7-D-299

Acting Chairman.

Choctaw D-299.

Muskogee, Indian Territory, February 27, 1902.

Thomas P. Lewis,

Stewart, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 8th day of April, 1902.

On said date you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

E. D. Needles.

Commissioner in Charge.

Register

MEMORANDA.

(Date) Aug 7 1899.

Name

Choctaw ? 4 County Year No.

Chickasaw ? County Year Page

Citizen by blood ? 2 Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day,

33 Wife's name,

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship us

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children :

19 ✓ County Year Page No.

17 ✓ County Year Page No.

5 ✓ County Year Page No.

3 ✓ County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

409

Commission to the Five Civilized Tribes,

Calvin, Ind. Terr., Aug. 17, 1891.

In the enrollment of Thomas P. Lewis, wife and children as Choctaw citizens; being sworn and examined by Commissioner McKennon his testimony as follows:

Q What is your name? A Thomas P. Lewis

Q What is your age? A Fifty

Q Where have you been living with your wife and children you have enrolled here? A In this nation.

Q How long? I have been living here over two years straight- I cannot remember just what time I came here.

Q Where did you come from? A I came from- I have lived in the Chickasaw Nation I have lived in the Creek Nation and I have lived in the Choctaw Nation.

Q How long have you been living in this nation? A I came to the nation in 1871.

Q How long did you live there? A I lived seven years straight

Q Then where did you go to? A I went to the Creek Nation

Q How long did you live there? Five years in the Creek Nation

Q Where did you go to then? Back into the Choctaw Nation.

Q How long did you live there then? A Two years.

Q Where did you go to then? A I went to Oklahoma

Q How long did you live there then? A Seven years.

Q When did you return from Oklahoma; did you return at the same time of Mr. Harvard M. Lewis? A Yes sir, same time.

Q He says it was the 4th day of February 1891 when you landed here; was that true or not? A About that time.

Q You said awhile ago it was over two years; that isn't over two years? A Isn't that over two years?

Q How long were you in Oklahoma? A I didn't know. I came to Calvin, Ind., and when he moved down I moved down too.

Q How long had you been here? A Ten or eleven months when he came.

(Lieutenant Thomas P. Lewis and family, #2)

Q Did he come with him from Oklahoma? A No.

Q Your statement that you were awhile ago that you came with him from Oklahoma is not true? A It is true I come from the same place, but I come on the cars several months ahead of him, and when he come with his team we all moved down here into the same neighborhood.

Edward P. Lewis, being sworn and examined, testifies:

Q Do you know Thomas P. Lewis? A Yes sir

Q Did he come from Oklahoma with you when you came? A No sir

Q Did he come after you or before you? A I disremember- he come from Oklahoma a day or two ahead of me.

Q Did you leave Oklahoma at the same time he did? A No sir

Q Did he leave there before you? A Yes, he left horseback and came down into the country before I did.

Q How long, a day or two? A Yes, somewhere in that vicinity.

Q There was his family; did they come down with you? A No sir

Q Did he leave them there? You said he came horseback, did he leave them there? A His family didn't live in the neighborhood of me; I think they was in Oklahoma City when he come to look out a situation.

Q Then how long before his family came here after he came?

A It doesn't seem to me like it was very long until they moved to Calvin.

Q About how long? A It must have been within a month.

Q Was that after you came that they came to Calvin? A If I make a mistake allow me to correct it as I study this matter up; when he left me in Oklahoma he come horseback;- I think now that I will be able to correct that to your satisfaction since you give me a minute to consider the matter;- when he left me in Oklahoma horseback he says "Do you come to Calvin and cross the river at Calvin and meet me at Calvin; he was then on horseback, as I told you, and he come on horseback, and we come too, in the vicinity of

(Enrollment Thomas F. Lewis and family #3; Edward H. Lewis, witness)

Calvin, and in the place of my guide bringing me to Calvin we crossed the river at what is called Leader and we missed Calvin, and when I got to Gertie I met this man, and I didn't understand what he got on the horse and rode off but what we was to come to Calvin and he proceeded on horseback, and when we got to Calvin-you can beat going by Calvin, you can turn right up the river and go to Leader- that throwed me off from him, and I think his family was taken in Calvin and that he told me to come to Calvin and that he would look around and see if he could find any unoccupied land situation horseback, and my guide misled me and made me cross the river six miles above Calvin, and when I gets to Gertie there was Tom Lewis.

Q Your statement that he left on horseback and left his family in Oklahoma is not true? A It isn't, since I come to study the matter.

Q Why did you make that statement? A Why I cannot remember these things.

Q What relation is he to you? A He is said to be my brother.

Q (By Chas. C. Lewis) You say you never did live in the neighborhood with him in your life? A Not with his present family stage; but I lived in the neighborhood with him for years with his former family.

Q (By Chas. Atty Shackerford) How many days did he start from Oklahoma before you started? A I don't recollect how many days, it was a day or two.

Q (Cm's testimony) And he came horseback and left his family there? A I think his family was in Calvin and he had went on the train and had borrowed a horse to prospect on.

Q Did his family come ahead of him to Calvin? A-I think he come with them to Calvin and got them a house to live in.

Q How long did he stay there, did he take the train and went back to borrow a horse.

Q What did he take the train to go back to borrow a horse for?

(Enrollment Thomas P. Lewis and family #4; Edward M. Lewis, witness #3)

A No prospect; the morning he borrowed that horse he says you cross the river at Calvin and if I can be of any use to you I will be there; my guide insisted that we turn up the river and missed him entirely and I happened to strike him in battle.

Q Where were you and when you made your application to the Lawes commission in 1896? A I was in Oklahoma.

Thomas P. Lewis, born re-called and examined by Choctaw Attorney Shackelford, testifies as follows:

Q What is your name? A Thomas P. Lewis.

Q You filed too didn't you? A I never have filed on a piece of land in my life.

(Examined as to filing on claim in Oklahoma as United States citizen.)

Department of the Interior,
Commissioner of the Five Civilized Tribes.
I hereby certify that the foregoing is a true and correct stenographic transcription of the testimony of Thomas P. Lewis, as given at the hearing of the Lawes Commission on the 1st day of May, 1896, at the place named above.
My stenographic transcription of
MDH

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., August 8, 1900.

In the matter of the Application for Enrollment:
of Thomas P. Lewis and his minor children, :
Lawrence Lewis and Laura Lewis, as Citizens : D-299-Choc.
by blood of the Choctaw Nation. :
-----: :
:

Augusta M. Lewis, being first duly sworn, testified as follows:

by the Commission:

- Q What is your name? A Augusta M. Lewis.
Q What is your age? A 33 years.
Q What is your postoffice address? A South McAlister, I. T.
Q Are you acquainted with Thomas P. Lewis? A Yes sir.
Q What relation is he to you? A He is my husband.
Q Are you living together at this time? A No sir.
Q Have you been legally separated? A No sir.
Q It just happens that you are not together at this immediate time?
A Yes sir.
Q Are you acquainted with Lawrence Lewis and Laura Lewis? A Yes sir.
Q What relation do they bear to you? A Step-children.
Q Do you know the name of their mother? A Amanda Lewis.
Q Deceased, is she? A Yes sir.
Q Your husband and these two children were admitted to citizenship in the Choctaw Nation by the same decree in which you were admitted to citizenship, were they not? A Yes sir.
Q Where does Thomas P. Lewis reside at this time? A He is near Steward on his claim in the Choctaw Nation.
Q He owns property there does he? A He has taken a claim there; building a house there.
Q How long has he lived in the Choctaw Nation? A I can't tell you how long he has lived in the Choctaw Nation. I found him here in '86; I believe we was married in '86.
Q How long has he resided continuously in the Choctaw Nation?
A He has resided up to the last three years; he came here the same time I did, in Sept., 1897.
Q Has he resided continuously in the Indian Territory all that time?
Q Yes, he has been out a trip or two on a visit.
Q You are quite sure he has maintained his residence continuously in the Indian Territory since Sept. 1897, are you? A Yes sir.
Q And as to these two children of his, Lawrence and Laura, their residence has been the same as your husband's all the time?
A Yes sir.
Q Do they live with him now? A Not now. Their residence has been the same as his up to about four months ago. His daughter went to school; it is in the Choctaw Nation, but I cannot tell the name of the place.
Q Then they have lived with him, and always lived in the Choctaw Nation since Sept., 1897? A Yes sir.
Q What proportion of Choctaw blood does Thomas P. Lewis claim to have?
A I am not sure, but I think 1/16.
Q He appeared before this Commission on August 7, 1899 at Calvin, I. T. and applied for enrollment as a citizen. Have you read a copy of the testimony given by him before the Commission at that time?
A Yes sir.
Q Did you find the statements contained in that testimony to be true and accurate in every respect? A I find he didn't give the right time as to when I come to the Choctaw Nation. And as to when I came too, because we came at the same time.
Q How do you account for that?

A I can't account for it unless he was drinking.

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above named witness, and that the foregoing is a true and complete translation of her stenographic notes in the above entitled case.

Frances R. Brown

Subscribed in my presence and sworn to before me this
14th day of August, A. D., 1900.


Acting Chairman.

Department of the Interior.
 Commission to the Five Civilized Tribes.
 Muskogee, Indian Territory, April 8, 1902.

.....
 :: In the matter of the application ::
 :: of Thomas P. Lewis for the enroll- ::
 :: ment of himself and his four minor ::
 :: children, Lawrence Lewis, Laura ::
 :: Lewis, Antha L. Lewis, and Oscar ::
 :: Leslie as citizens by blood of the ::
 :: Choctaw Nation, and for the enroll- ::
 :: ment of his wife, Augusta M. Lewis, ::
 :: as a citizen by intermarriage of ::
 :: the Choctaw Nation. ::
 ::

D-299.

On the 28th day of February, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail that the application of Thomas P. Lewis for the enrollment of himself, his wife and children as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 8th day of April, 1902, for final consideration.

Now on this 8th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the following proceedings were had:

APPEARANCES:-

Thomas P. Lewis, the applicant in person.

No appearances on behalf of the Choctaw and Chickasaw Nations.

J. G. Harley, attorney for the applicants.

(2).

Thomas P. Lewis, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A My name's Thomas P. Lewis.
- Q What is your post office address? A Stewart, Indian Territory.
- Q What is your age, Mr. Stewart-----or Mr. Lewis? A I was fifty-two years old my last birth day.
- Q What is the name of your father? A J. M. Lewis.
- Q Citizen, or non-citizen? A Why, he's a citizen.
- Q Choctaw? A What do you mean by a non-citizen? Man living here in the Choctaw Nation?
- Q No, I mean any person, any white person that is not recognized as a citizen of the Choctaw Nation? A Why, he wasn't recognized at the time of his death as a Choctaw here in this Nation.
- Q What is the name of your mother? A Zora P. Lewis.
- Q Is she a White woman or a Choctaw? A Why, I think she's a white woman to the best of my recollection and knowledge.
- Q How many children have you? A I have got five living.
- Q What is the name of the oldest one? A Lydia Clark is the oldest one.
- Q Lydia Clark? A Yes, she's married.
- Q Well, she was married in 1899 when you made this other application wasn't she? A Yes, yes sir.
- Q She was of age then and made a separate application, and is not in this application? A No sir.
- Q Well now, the next one? A Lawrence Lewis.
- Q How do you spell that? L-a-u-r-e-n-c-e, or L-a-w-r-e-n-c-e ? A L-a-w-r-e-n-c-e .
- Q How old is he now, Mr. Lewis? A He was born the 16th day of March in 1880
- Q About twenty-two? A Twenty-two years old, yes sir.
- Q What is the next one? A Laura. Laura A. Lewis.
- Q Has she got a middle name? Just Laura Lewis? A Laura A. Lewis. Laura Amanda.
- Q Laura A. Lewis; how old is she? A She was born the 16th of March in '82. Just two years younger than her brother to the day.
- Q What is the next one? A Antha. Antha L. Lewis.
- Q Antha L. Lewis; how old is she? A I think she was born in '93.
- Q What is the youngest one; the last one? A Named Oscar.
- Q How old is he now? A He's about six years old.
- Q These children all living with you are they? A Yes sir. Why no sir, the two oldest ones-----the three youngest ones is with me.
- Q The oldest boy is not living at home? A No sir.
- Q You is living with you at the time you made this application for him? A No sir.
- Q He was not of age at that time? A No sir.

(3).

Examination by J. G. Harley, Attorney.

- Q Mr. Lewis, you were living in the Choctaw Nation at the time this judgment was rendered in your favor, were you? A Yes sir, I was living at Calvin.
- Q And you have lived in the Choctaw Nation ever since? A Yes sir continuously ever since.

Re-examination by the Commission.

- Q Mr. Lewis, you were admitted by a judgment of the United States Court, were you? A Yes sir.
- Q United States Court at McAlester? A Yes sir.
- Q Have you got a certified copy of that judgment on file? A Yes sir.
- Q Where were you living at the time you made your application to the Commission in 1896? A I reckon that I were living at Laredo. My folks notified me that they was going to make application to the Dawes Commission, and I was at Laredo, Texas.
- Q Your family was with you? A No sir, my family was here in the Choctaw Nation at South McAlester.
- Q South McAlester? A Yes, my wife and children, was in South McAlester; I was in Texas.
- Q That was in 1896? A Yes sir.
- Q Well, have your children lived here ever since '96? A They went out into Oklahoma; I owned some property in Oklahoma City and they went out there and stayed a few months and I went out there and sold what I had and moved back to the Choctaw Nation in 1897.
- Q You went out to Oklahoma when? A I went there and sold out in '97.
- Q '97; then when did you come back to the Indian Territory? A Right the next day after I sold my property.
- Q Are you pretty sure that was in '97? A Yes sir.
- Q And have you been living in the Territory ever since? A Yes sir.
- Q You havn't-----you nor your family have never moved away from the Territory for any length of time since that? A No sir.
- Q And your children, these children that are in the application have all been in the Territory ever since? A All but one of them.
- Q Which one is that? A Lawrence.
- Q Where is he? A He's in the Penitentiary.
- Q How long has he been there, Mr. Lewis? A Last October was a year I think.
- Q Last October a year; he has never moved his residence away from the Territory? A No sir, he wouldn't have been out if he hadn't had to be.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 8th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 10 day of April, 1902.

W. A. Belford
Notary Public.

C O P Y.

ZORA P. LEWIS ET AL

VS

PRECEDENT. NO. 101.

CHOCTAW NATION.

On this the 19th day of January, 1898, the same being one of the days of the September Term of the Said Court, this cause came on for trial, and the plaintiffs and defendant appeared in open court by their attorneys and announced ready for trial and this cause is by agreement submitted to the court for decision upon the Master's report herein, and the exceptions thereto filed by the Choctaw Nation and the evidence herein and the court having seen and heard the said exceptions to the said Master's report, and having heard and seen said Master's report, and having heard all the testimony and the argument of counsel, and being well and sufficiently advised in the premises doth overrule said exceptions to said Master's report and doth sustain and confirm said Master's report in all respects, and finds that Zora P. Lewis, Edward M. Lewis, Thomas P. Lewis, Sarah Jane McKibben, Zora S. Early, Ophelia S. Edwards, Olivia Pryor, Gail B. Lewis, Marshal Cowart, Virgil Cowart, Zora Roper, Samuel P. Cowart, George V. Cowart, , Angeline Tabor, Julius M. Leard, Madison L. Leard, Jack Leard, Maud Farley, Hugh Early, Lydia Clark, Lawrence Lewis, Laura Lewis, Lucy Adams, Nellie Early, George Lewis McKibben, Cassie O. McKibben, Claud McKibben, Thomas P. McKibben, Charles Edwards, Lula Edwards, Martha J. Edwards, David L. Edwards, Mabel Adams, Belle F. Roper, Rhoda L. Roper, Amanda P. Roper, Frank A. Leard, Zora A. Lewis, Edward H. Lewis, Sudie Leard, Hannie Leard, Willie Tabor, Ben Tabor, Herschel Tabor, Kyle Douglass, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, , James Pryor, Mary E. Pryor, Ulric Z. Hicks, James D. Lewis, Antha L. Lewis, Oscar Lewis, Joseph W. Roper, Joseph H. Leard, are Choctaw Indians by blood, and that Sarah E. Lewis, Augusta M. Lewis, Anna Cowart, Belle Leard, have been duly and legally married to Choctaw Indians according to the Choctaw laws.

It is therefore by the court considered, ordered and adjudged that the said applicants above named are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and benefits of such citizenship aforesaid in and to said Choctaw Nation.

The court further finds that the other applicants herein, to-wit: Preston Early, Joseph M. Edwards, Samuel Pryor, H. C. Roper, George W. McKibben, Sherman Tabor, George Clark, and Gus Adams were not married according to the laws of the Choctaw Nation and it is by the court considered adjudged and decreed that said Preston Early, Joseph M. Edwards, Samuel Pryor, H. C. Roper, George W. McKibben, Sherman Tabor, , George Clark and Gus Adams be denied all rights of citizenship; that their names be excluded from the rolls of the Choctaw citizens of the Choctaw Nation prepared or to be prepared by the Commission to the Five Civilized Tribes and that as to said parties the Choctaw Nation have and recover of them its costs.

It is further ordered and adjudged by the court that the clerk of this court shall transmit to the Commission to the Five Civilized Tribes a certified copy of this judgment and decree, and that said Commission shall place the names as aforesaid of said plaintiffs upon the rolls prepared or to be prepared by them of the citizens and members respectively of the Choctaw Nation and that such persons so admitted as citizens and members of the Choctaw Nation as aforesaid shall be entitled to all the rights, privileges, immunities and benefits of citizens of said Choctaw Nation in all respects.

It is further ordered that the plaintiff have and recover of and from the Choctaw Nation all their costs in this behalf laid out and expended, for which let execution issue.

UNITED STATES OF AMERICA, }
Indian Territory, } ss
Central District. }

I, E. J. Fannin, Clerk of the District Court of the United States for the Central District of the Indian Territory, do hereby certify the foregoing to be a true copy of an order made by said Court on the 19th day of January, 1898, as appears from the records of said Court.

IN TESTIMONY WHEREOF, I have herewith set my hand, at my office in South McAlester, in said District, this 24th day of January, A. D. 1898.

E. J. FANNIN, Clerk.

(SEAL)

C O P Y.

ZORA P. LEWIS ET AL

VS

PRECEDENT. NO.101.

CHOCTAW NATION.

On this the 19th day of January, 1898, the same being one of the days of the September Term of the Said Court, this cause came on for trial, and the plaintiffs and defendant appeared in open court by their attorneys and announced ready for trial and this cause is by agreement submitted to the court for decision upon the Master's report herein, and the exceptions thereto filed by the Choctaw Nation and the evidence herein and the court having seen and heard the said exceptions to the said Master's report, and having heard and seen said Master's report, and having heard all the testimony and the argument of counsel, and being well and sufficiently advised in the premises doth overrule said exceptions to said Master's report and doth sustain and confirm said Master's report in all respects, and finds that Zora P. Lewis, Edward M. Lewis, Thomas P. Lewis, Sarah Jane McKibben, Zora S. Early, Ophelia S. Edwards, Olivia Pryor, Gail B. Lewis, Marshal Cowart, Virgil Cowart, Zora Roper, Samuel P. Cowart, George V. Cowart, , Angeline Tabor, Julius M. Leard, Madison L. Leard, Jack Leard, Maud Farley, Hugh Early, Lydia Clark, Lawrence Lewis, Laura Lewis, Lucy Adams, Nellie Early, George Lewis McKibben, Cassie O. McKibben, Claud McKibben, Thomas P. McKibben, Charles Edwards, Lula Edwards, Martha J. Edwards, David L. Edwards, Mabel Adams, Belle F. Roper, Rhoda L. Roper, Amanda P. Roper, Frank A. Leard, Zora A. Lewis, Edward H. Lewis, Sudie Leard, Nannie Leard, Willie Tabor, Ben Tabor, Herschel Tabor, Kyle Douglass, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, , James Pryor, Mary E. Pryor, Ulric Z. Hicks, James D. Lewis, Antha L. Lewis, Oscar Lewis, Joseph W. Roper, Joseph H. Leard, are Choctaw Indians by blood, and that Sarah E. Lewis, Augusta M. Lewis, Anna Cowart, Belle Leard, have been duly and legally married to Choctaw Indians according to the Choctaw laws.

It is therefore by the court considered, ordered and adjudged that the said applicants above named are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and benefits of such citizenship aforesaid in and to said Choctaw Nation.

The court further finds that that the other applicants herein, to-wit: Preston Early, Joseph M. Edwards, Samuel Pryor, H. C. Roper, George W. McKibben, Sherman Tabor, George Clark, and Gus Adams were not married according to the laws of the Choctaw Nation and it is by the court considered adjudged and decreed that said Preston Early, Joseph M. Edwards, Samuel Pryor, H. C. Roper, George W. McKibben, Sherman Tabor, , George Clark and Gus Adams be denied all rights of citizenship; that their names be excluded from the rolls of the Choctaw citizens of the Choctaw Nation prepared or to be prepared by the Commission to the Five Civilized Tribes and that as to said parties the Choctaw Nation have and recover of them its costs.

It is further ordered and adjudged by the court that the clerk of this court shall transmit to the Commission to the Five Civilized Tribes a certified copy of this judgment and decree, and that said Commission shall place the names as aforesaid of said plaintiffs upon the rolls prepared or to be prepared by them of the citizens and members respectively of the Choctaw Nation and that such persons so admitted as citizens and members of the Choctaw Nation as aforesaid shall be entitled to all the rights, privileges, immunities and benefits of citizens of said Choctaw Nation in all respects.

It is further ordered that the plaintiff have and recover of and from the Choctaw Nation all their costs in this behalf laid out and expended, for which let execution issue.

UNITED STATES OF AMERICA, }
Indian Territory, } ss
Central District.

I, E. J. Fannin, Clerk of the District Court of the United States for the Central District of the Indian Territory, do hereby certify the foregoing to be a true copy of an order made by said Court on the 19th day of January, 1898, as appears from the records of said Court.

IN TESTIMONY WHEREOF, I have hereunto set my hand, at my office in South McAlester, in said District, this 24th day of January, A. D. 1898.

E. J. FANNIN, Clerk.

(SEAL)

C O P Y.

ZORA P. LEWIS ET AL

VS

PRECEDENT. NO.101.

CHOCTAW NATION.

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It is therefore by the court considered, ordered and adjudged that the said applicants above named are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and benefits of such citizenship aforesaid in and to said Choctaw Nation.

The court further finds that that the other applicants herein, to-wit: Preston Early, Joseph M. Edwards, Samuel Pryor, H. C. Roper, George W. McKibben, Sherman Tabor, George Clark, and Gus Adams were not married according to the laws of the Choctaw Nation and it is by the court considered adjudged and decreed that said Preston Early, Joseph M. Edwards, Samuel Pryor, H. C. Roper, George W. McKibben, Sherman Tabor, , George Clark and Gus Adams be denied all rights of citizenship; that their names be excluded from the rolls of the Choctaw citizens of the Choctaw Nation prepared or to be prepared by the Commission to the Five Civilized Tribes and that as to said parties the Choctaw Nation have and recover of them its costs.

It is further ordered and adjudged by the court that the clerk of this court shall transmit to the Commission to the Five Civilized Tribes a certified copy of this judgment and decree, and that said Commission shall place the names as aforesaid of said plaintiffs upon the rolls prepared or to be prepared by them of the citizens and members respectively of the Choctaw Nation and that such persons so admitted as citizens and members of the Choctaw Nation as aforesaid shall be entitled to all the rights, privileges, immunities and benefits of citizens of said Choctaw Nation in all respects.

It is further ordered that the plaintiff have and recover of and from the Choctaw Nation all their costs in this behalf laid out and expended, for which let execution issue.

UNITED STATES OF AMERICA, }
Indian Territory, } ss
Central District.

I, E. J. Fannin, Clerk of the District Court of the United States for the Central District of the Indian Territory, do hereby certify the foregoing to be a true copy of an order made by said Court on the 19th day of January, 1898, as appears from the records of said Court.

IN TESTIMONY WHEREOF, I have hereunto set my hand, at my office in South McAlester, in said District, this 24th day of January, A. D. 1898.

E. J. FANNIN, Clerk.

(SEAL)

C O P Y.

ZORA P. LEWIS ET AL

VS

PRECEDENT.

NO. 101.

CHOCTAW NATION.

On this the 19th day of January, 1898, the same being one of the days of the September Term of the Said Court, this cause came on for trial, and the plaintiffs and defendant appeared in open court by their attorneys and announced ready for trial and this cause is by agreement submitted to the court for decision upon the Master's report herein, and the exceptions thereto filed by the Choctaw Nation and the evidence herein and the court having seen and heard the said exceptions to the said Master's report, and having heard and seen said Master's report, and having heard all the testimony and the argument of counsel, and being well and sufficiently advised in the premises doth overrule said exceptions to said Master's report and doth sustain and confirm said Master's report in all respects, and finds that Zora P. Lewis, Edward M. Lewis, Thomas P. Lewis, Sarah Jane McKibben, Zora S. Early, Ophelia S. Edwards, Olivia Pryor, Gail B. Lewis, Marshal Cowart, Virgil Cowart, Zora Roper, Samuel P. Cowart, George V. Cowart, Angeline Tabor, Julius M. Leard, Madison L. Leard, Jack Leard, Maud Farley, Hugh Early, Lydia Clark, Lawrence Lewis, Laura Lewis, Lucy Adams, Nellie Early, George Lewis McKibben, Cassie O. McKibben, Claud McKibben, Thomas P. McKibben, Charles Edwards, Lula Edwards, Martha J. Edwards, David L. Edwards, Mabel Adams, Belle F. Roper, Rhoda L. Roper, Amanda P. Roper, Frank A. Leard, Zora A. Lewis, Edward H. Lewis, Sudie Leard, Nannie Leard, Willie Tabor, Ben Tabor, Herschel Tabor, Kyle Douglass, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor, Ulric Z. Hicks, James D. Lewis, Antha L. Lewis, Oscar Lewis, Joseph W. Roper, Joseph H. Leard, are Choctaw Indians by blood, and that Sarah E. Lewis, Augusta M. Lewis, Anna Cowart, Belle Leard, have been duly and legally married to Choctaw Indians according to the Choctaw laws.

It is therefore by the court considered, ordered and adjudged that the said applicants above named are hereby admitted to citizenship in the Choctaw Nation with all the rights privileges and benefits of such citizenship aforesaid in and to said Choctaw Nation.

The court further finds that that the other applicants herein, to-wit: Preston Early, Joseph M. Edwards, Samuel Pryor, H. C. Roper, George W. McKibben, Sherman Tabor, George Clark, and Gus Adams were not married according to the laws of the Choctaw Nation and it is by the court considered adjudged and decreed that said Preston Early, Joseph M. Edwards, Samuel Pryor, H. C. Roper, George W. McKibben, Sherman Tabor, George Clark and Gus Adams be denied all rights of citizenship; that their names be excluded from the rolls of the Choctaw citizens of the Choctaw Nation prepared or to be prepared by the Commission to the Five Civilized Tribes and that as to said parties the Choctaw Nation have and recover of them its costs.

It is further ordered and adjudged by the court that the clerk of this court shall transmit to the Commission to the Five Civilized Tribes a certified copy of this judgment and decree, and that said Commission shall place the names as aforesaid of said plaintiffs upon the rolls prepared or to be prepared by them of the citizens and members respectively of the Choctaw Nation and that such persons so admitted as citizens and members of the Choctaw Nation as aforesaid shall be entitled to all the rights, privileges, immunities and benefits of citizens of said Choctaw Nation in all respects.

It is further ordered that the plaintiff have and recover of and from the Choctaw Nation all their costs in this behalf laid out and expended, for which let execution issue.

UNITED STATES OF AMERICA, }
Indian Territory, } ss
Central District. }

I, E. J. Fannin, Clerk of the District Court of the United States for the Central District of the Indian Territory, do hereby certify the foregoing to be a true copy of an order made by said Court on the 19th day of January, 1892, as appears from the records of said Court.

IN TESTIMONY WHEREOF, I have hereunto set my hand, at my office in South McAlester, in said District, this 24th day of January, A. D. 1892.

E. J. FANNIN, Clerk.

(REAL)

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

C- 130
7-D- 2
7- 13
7- 14
7-D-293
7-D-299
7- 2708
7- 2709
7- 3277
7- 3279
7- 3280
7- 3294
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7- 3296
7- 3297
7- 3298
7- 5234
23- 953
23- 970
23- 991
23- 992.

In the matter of the application for the enrollment of THOMAS P. LEWIS, et al, as citizens by blood and intermarriage of the Choctaw Nation.

DECISION.

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, August 7, 1899, by Thomas P. Lewis for the enrollment of himself, his children, Lawrence Lewis, Laura Lewis, Antha L. Lewis, and Oscar Lewis as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Augusta N. Lewis, as a citizen by intermarriage of the Choctaw Nation; the census card record shows that on the same date application was made by Zora P. Lewis for the enrollment of herself as a citizen by blood of the Choctaw Nation; that on the same date application was made by Edward M. Lewis for the enrollment of himself and children, Gail B. Lewis, Edward H. Lewis and Zora A. Guyer as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Sarah E. Lewis, as a citizen by intermarriage of the Choctaw Nation; that on July 16, 1900, written application was filed for the enrollment of Lindly Blaine Guyer and on June 7, 1901, application was filed for the enrollment of Edith May Guyer; on September 24, 1902, application was filed for the enrollment of Fielding Lewis Guyer, minor child of William H. Guyer and Zora A. Guyer, as citizens by blood of the Choctaw Nation; that on August 7, 1899, application was made to the Commission to the Five Civilized Tribes by Edward M. Lewis for the enrollment of Sarah J. McKibben and her children, George L. McKibben, Cassie O. McKibben, Claude McKibben, Thomas P. McKibben and Grant McKibben as citizens by blood of the Choctaw Nation; that on the same date application was made by Lydia Clark to the Commission to the Five Civilized Tribes for the enrollment of herself as a citizen by blood of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by Virgil Cowart for the enrollment of himself as a citizen by blood of the Choctaw Nation and for the enrollment of his wife, Anna Cowart, as a citizen

by intermarriage of the Choctaw Nation; that on September 2, 1898, application was made by Marshall Cowart for the enrollment of himself and his brothers, Samuel P. Cowart and George V. Cowart, as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, during the month of August, 1899, by Lucy Adams for the enrollment of herself and her minor children, Mabel Adams and Earnest P. Adams, as citizens by blood of the Choctaw Nation; that on February 24, 1902, written application was filed for the enrollment of Ida Vadis Adams, minor child of said Lucy Adams and A. M. Adams as a citizen by blood of the Choctaw Nation; that on August 7, 1899, application was made to the Commission to the Five Civilized Tribes by Zora S. Early for the enrollment of herself and her daughter, Nellie Early, as citizens by blood of the Choctaw Nation; that on June 14, 1901, written application was filed for the enrollment of Albert Clarence Goodwin, minor child of Nellie Goodwin, nee Early, and John Goodwin as a citizen by blood of the Choctaw Nation; that on September 2, 1898, application was made to the Commission to the Five Civilized Tribes by Joseph H. Leard for the enrollment of himself, Madison Leard, Jack Leard, Maud Early and Hugh Early as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Belle Leard, as a citizen by intermarriage of the Choctaw Nation; that on February 28, 1901, written application was filed for the enrollment of Frank David Leard, minor child of Madison Leard and Eliza Leard as a citizen by blood of the Choctaw Nation; that on August 29, 1901, written application was filed for the enrollment of Elihu Venable, minor child of John Venable and Maud Venable as a citizen by blood of the Choctaw Nation; that on June 14, 1899, application was made to the Commission to the Five Civilized Tribes, at Spiro, Indian Territory, by Olivia Pryor for the enrollment of herself and her minor children, Kyle Douglass, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor and Sallie O. Pryor as citizens by blood of the Choctaw Nation; that on August 18, 1900, written applications were filed for the enrollment of Vernon Pryor and Earl Pryor, minor children of said Olivia Pryor and S. W. Pryor as citizens by blood of the Choctaw Nation; that on September 2, 1898, application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, by Angeline Tabor for the enrollment of herself and her minor children, Willie Tabor, Ben Tabor, and Herschel L. Tabor as citizens by blood of the Choctaw Nation; that on March 1, 1901, written application was filed for the enrollment of Ruthe Adams, minor child of Angeline Tabor, (now Adams) and J. J. Adams, and on August 7, 1902, written application was filed for the enrollment of Leona Tabor, minor child of Angeline Tabor and Sherman Tabor as citizens by blood of the Choctaw Nation; that on September 29, 1898, application was made to the Commission to the Five Civilized Tribes at Tishomingo, Indian Territory by Julius M. Leard for the enrollment of himself and his minor children, Frank Leard, Sadie Leard and Nannie Leard as citizens by blood of the Choctaw Nation; that on August 6, 1900, written application was filed for the enrollment of Barney Edward Leard and on November 1, 1901, written application was filed for the enrollment of David Leard, minor children of Sadie Leard and Julius M. Leard as citizens by blood of the Choctaw Nation; that on June 14, 1899, application was made to the Commission to the Five Civilized Tribes at Spiro, Indian Territory, by Ophelia S. Edwards for the enrollment of herself and children, Charles Edwards, Lula J. Edwards, Martha J. Edwards, David L. Edwards and Luther W.

Edwards as citizens by blood of the Choctaw Nation; that on August 5, 1899, application was made to the Commission to the Five Civilized Tribes at Hartshorne, Indian Territory, by Joseph M. Edwards for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation.

It further appears from the records in the possession of the Commission to the Five Civilized Tribes that application was made on September 9, 1896, for the admission of certain of the applicants as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 stats., 321), the names of the applicants herein appearing in said application as follows: Zora P. Lewis, Edward M. Lewis, Sarah E. Lewis, Gail B. Lewis, Zora A. Lewis, Edward H. Lewis, Thomas P. Lewis, Augusta M. Lewis, Laura A. Lewis, Antha Lewis, Lawrence Lewis, Oscar Lewis, Lydia Clark, Olivia Pryor, Kyle Douglass, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor, Virgil Cowart, Annie Cowart, Samuel P. Cowart, George V. Cowart, Marshall Cowart, Angeline Tabor, Willie L. Tabor, Benny H. Tabor, Herschel L. Tabor, Julius M. Leard, Frank A. Leard, Sudie E. Leard, Nannie E. Leard, Maud Early, Hugh H. Early, Joseph H. Leard, Bell Leard, Madison L. Leard, Jackson A. Leard, Sarah Jane McKibben, George Lewis McKibben, Cassie O. McKibben, Claud T. McKibben, Thomas P. McKibben, Zora S. Early, nee Lewis, Lucy Adams, nee Early, Nelly O. Early, Mable Adams, Ophelia S. Edwards, Joseph M. Edwards, Charles Edwards, Lula Edwards, Martha J. Edwards and David L. Edwards. The names of George W. McKibben and Preston Early were also included in said application.

On December 4, 1896, the Commission to the Five Civilized Tribes denied the above application from which decision appeal was taken to the United States Court for the Central District of Indian Territory, which Court on January 19, 1898, reversed the decision as to the above applicants and admitted said applicants to citizenship in the Choctaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court of December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al".

Said cause as to all the applicants herein except Sarah J. McKibben and Edward M. Lewis was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 stats., 641), for a trial de novo and on December 3, 1904, in the case entitled "Zora P. Lewis, et al, vs. Choctaw and Chickasaw Nations", said Citizenship Court rendered a judgment wherein it was "ordered adjudged and decreed that the petition of the plaintiffs, Zora P. Lewis, Thomas P. Lewis, Zora S. Early, Olivia Pryor, Gale B. Wooding or Gale B. Lewis or Gail B. Lewis, Marshall Cowart, Virgil Cowart, Angelina Adams or Angelina Tabor or Angeline Tabor, Julius M. Leard, Madison Leard or Madison L. Leard, Jack Leard, Maud Early, Hugh Early, Olivia Clark, Lawrence Lewis, Laura Lewis, Lucy Adams, Nellie Goodwin or Nellie Early, George L. McKibbin or George Lewis McKibben, Cassie O. McKibbin or McKibben, Claud McKibbin or McKibben, Thomas P. McKibbin or McKibben, Frank A. Leard, Mabel Adams ... Zora A. Lewis, Edward H. Lewis, Sudie Leard, Nannie Leard, Ben Tabor, Herschel Tabor, Kyle Douglass or Douglas, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary P. Pryor or Mary E. Pryor . . . Antha L. Lewis or Antha L. Lewis, Oscar Lewis . . . Joseph H. Leard, Sarah E. Lewis, Augusta M. Lewis, Samuel P. Cowart, George V. Cowart, Anna Cowart and Belle Leard be denied and

that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On the same date said Citizenship Court rendered a judgment in the case of "Preston Early, et al, vs. Choctaw and Chickasaw Nation" wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Preston Early, Joseph M. Edwards, George W. McKibbin or McKibben . . . be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On the same date said Citizenship Court rendered a judgment in the case entitled "Ophelia S. Edwards, et al, vs. Choctaw and Chickasaw Nations" wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Ophelia S. Edwards, David L. Edwards, Charles Edwards, Lula Hayes or Lula Edwards and Martha J. Smith or Martha J. Edwards be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On January 19, 1905, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Earnest P. Adams, Ida Vadis Adams, Frank David Leard, Elihu Venable, Sallie O. Pryor, Vernon Pryor, Earl Pryor, Ruthe Adams and Leona Tabor. January 21, 1905, said Commission issued orders dismissing the applications for the enrollment of Lindly Blaine Guyer, Edith May Guyer, Fielding Lewis Guyer, Albert Clarence Goodwin and Luther W. Edwards. On January 24, 1905, said Commission issued an order dismissing the applications for the enrollment of Barney Edward Leard and David Leard. Said orders were based on the fact that the rights of the persons through whom the above applicants claim the right to enrollment as citizens of the Choctaw Nation have been adversely determined by the Choctaw and Chickasaw Citizenship Court.

On January 26, 1905, said Commission issued an order dismissing the application for the enrollment of Grant McKibben for the reason that the rights of said applicant's brothers and sisters whose status as citizens by blood of the Choctaw Nation was identical with the status of said applicant had been adversely determined by said Choctaw and Chickasaw Citizenship Court.

On the same date said Commission issued orders dismissing the application for the enrollment of Sarah J. McKibben and Edward M. Lewis as citizens by blood of the Choctaw Nation for the reason that the judgment of the United States Court of January 19, 1898, favorable to said applicants had been set aside by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, and said cause as to said applicants was not certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo.

On June 26, 1906, there was received at the office of the Commissioner to the Five Civilized Tribes a petition praying for the enrollment of the following persons as citizens by blood of the Choctaw Nation: Zora P. Lewis, Thomas P. Lewis, Augusta M. Lewis, Lydia Clark, George Clark, Lawrence Lewis, Laura Lewis, Frank Davis, Antha Lewis, Oscar Lewis, Rhoda Cowart, Olivia Pryor, Virgil Cowart, Marshall Cowart, George V. Cowart, Kyle Douglass,, Henry Jordan,

Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor, Olivia Pryor, Vernon Pryor, Earle Pryor, Emmett Pryor, Josie Pryor, William Early, William E. Hays, Cora Bailey, Samuel Douglas, Ethel Douglas, Henry Nunn, Tula Nunn, Zora S. Early, Preston Early, Lucy Adams, A. M. Adams, Nellie Goodwin, John Goodwin, Mabel Adams, Ernest Adams, Vadice Adams, Alvey Adams, Clarence Goodwin, Theodore Goodwin, Susan Early, Angeline Adams, John Adams, Julius Leard, Ludie Leard, Madison L. Leard, Eliza Leard, Jack Leard, Susie Leard, Joseph H. Leard, Belle Leard, Hugh Early, Maude Venable, John Venable, Willie Tabor, Benjamin Tabor, Herschel L. Tabor, Ruth Adams, Rufus Adams, Frank Leard, Sudie Leard, Nannie Leard, Barnie Leard, Dave Leard, Frank Leard, Roy Leard, Oma Leard, Elihu Venable, Alices Venable, Jewell Venable, Edward M. Lewis, Sarah E. Lewis, Gail Wooding, John L. Wooding, Zora A. Guyer, William H. Guyer, Edward H. Lewis, Clinton L. Wooding, Lindley B. Guyer, Fielding L. Guyer, Edith Guyer, Jesse Lee Guyer, Rosa E. Guyer, Sarah J. McKibben, G. W. McKibben, George Lewis McKibben, Cassie O. McKibben, Claud McKibben, Thomas P. McKibben, Ophelia Edwards, J. M. Edwards, Charles Edwards, Lula Ratteree, Eugene Ratteree, Martha J. Smith, Oscar Smith, David Self, _____ Self and Loeta Ratteree.

It is alleged in the petition that the petitioners are entitled to enrollment under the supervisory authority of the Honorable Secretary of the Interior as members of the Choctaw nation by virtue of their Choctaw descent and their residence with said tribe.

The following persons mentioned in the petition are identical with the persons for whose enrollment as citizens by blood and intermarriage of the Choctaw Nation application was made under the provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495): Zora P. Lewis, Thomas P. Lewis, Augusta M. Lewis, Lydia Clark, Lawrence Lewis, Laura Lewis, Antha Lewis, Oscar Lewis, Olivia Pryor, Earl Pryor, Virgil Cowart, Marshall Cowart, George W. Cowart, Kyle Douglass, Henry Jordan, Rhoda Jordan, Zora Jordan, George Pryor, James Pryor, Mary E. Pryor, Edward M. Lewis, Sarah E. Lewis, Joseph H. Leard, Belle Leard, Olivia Pryor, Vernon Pryor, Zora S. Early, Lucy Adams, Nellie Goodwin, Mabel Adams, Earnest Adams, Vadice Adams, Clarence Goodwin, Angeline Adams, Julius Leard, Madison L. Leard, Jack Leard, Hugh Early, Maude Venable, Willie Tabor, Benjamin Tabor, Herschel L. Tabor, Ruth Adams, Frank Leard, Sudie Leard, Nannie Leard, Barnie Leard, Dave Leard, Frank Leard, Elihu Venable, Gail Wooding, Zora A. Guyer, Edward H. Lewis, Lindley B. Guyer, Fielding L. Guyer, Edith Guyer, Sarah J. McKibben, George Lewis McKibben, Cassie O. McKibben, Claud McKibben, Thomas P. McKibben, Ophelia S. Edwards, Charles Edwards, Lula Ratteree, Martha J. Smith and J. M. Edwards.

Application was made under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), for the enrollment of the following persons as citizens by blood of the Choctaw nation: July 20, 1906, Alva Adams, born January 5, 1905, minor daughter of A. M. Adams, and Lucy Adams;

July 23, 1906, Theodore Early Goodwin, born January 31, 1905, minor son of John T. Goodwin and Nellie Goodwin.

July 24, 1906, Clinton L. Wooding born June 23, 1905, minor son of John L. Wooding and Gail B. Wooding.

July 20, 1906, Jessie Fay Guyer and Rosa Lee Guyer, born January 4, 1904 and March 22, 1905, respectively, children of J. W. Guyer and Zora A. Guyer.

It is not alleged in the petition that any of the petitioners herein ever occupied such a status as would entitle them to enrollment as citizens by blood or intermarriage of the Choctaw nation; neither can any of the petitioners be identified with any

of the persons whose names appear on any of the tribal rolls of the Choctaw Nation in the possession of this office.

Section one of the Act of Congress approved April 26, 1906 (34 Stats., 137) provides in part as follows:

"No motion to reopen or reconsider any citizenship case in any of said tribes shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act".

I am of the opinion that inasmuch as the petition herein was not filed within sixty days after the passage of the Act of April 26, 1906 (34 Stats., 137), I am without authority to receive or consider said petition in so far as same applies to those applicants for whose enrollment application was made under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

I am, therefore, of the opinion that inasmuch as it does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants ever occupied such a status as would entitle them to enrollment as citizens by blood and intermarriage of the Choctaw Nation, the decisions of the Choctaw and Chickasaw Citizenship Court of December 3, 1904, are final and that the applications for the enrollment of Zora P. Lewis, Zora S. Early, Nellie Early, Thomas P. Lewis, Lawrence Lewis, Laura Lewis, Antha L. Lewis, Oscar Lewis, Lydia Clark, Virgil Cowart, Marshall Cowart, Samuel P. Cowart, George V. Cowart, Julius M. Leard, Frank Leard, Sudie Leard, Nannie Leard, George L. McKibben, Cassie O. McKibben, Claude McKibben, Thomas P. McKibben, Joseph H. Leard, Madison Leard, Jack Leard, Maud Early, now Maud Venable, Hugh Early, Olivia Pryor, Kyle Douglass, Henry Jordan, Rhoda Jordan, George Pryor, James Pryor, Mary E. Pryor, Angeline Adams, formerly Tabor, Willie Tabor, Ben Tabor, Herschel L. Tabor, Zora A. Guyer, Lucy Adams, Mabel Adams, Gail B. Lewis, now Gail B. Wooding, Edward H. Lewis, Zora Jordan, Ophelia S. Edwards, Charles Edwards, Lula J. Ratteree, nee Edwards, Martha J. Smith, nee Edwards and David L. Edwards as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641) and that the petition herein, in so far as it applies to said applicants, should be dismissed and it is so ordered.

I am further of the opinion that the application for the enrollment of Augusta M. Lewis, Anna Cowart, Sarah E. Lewis, Belle Leard and Joseph M. Edwards as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641) and that the petition herein in so far as same applies to said petitioners should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners Edward M. Lewis, Sarah J. McKibben, Ruth Adams, Leona Tabor, Sallie O. Pryor, Vernon Pryor, Earl Pryor, Frank David Leard, Elihu Venable, Grant McKibben, Barnie Edward Leard, David Leard, Albert Clarence Goodwin, Lindly Blaine Guyer, Edith May Guyer, F. Elding Lewis Guyer, Earnest P. Adams and Ida Vadis Adams, whose applications for enrollment have heretofore been dismissed, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners G. W. McKibben, John L.

Wooding, William Early, William H. Guyer, John Adams, Ludie Leard, wife of Julius Leard, Eliza Leard, Susie Leard, John Venable, Frank Davis, George Clark, A. M. Adams, Preston Early, John Goodwin, Eugene Ratteree, Oscar Smith, Rhoda Cowart, Davie Self and _____ Self, husband of Davie Self, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Emmett Pryor, Josie Pryor, Cora Bailey, Samuel Douglass, Ethel Douglass, Henry Nunn, Lula Nunn, Jesse Lee Guyer, Rosa F. Guyer, Rufus Tabor, Roy Leard, Oma Leard, Allice Venable, Jewell Venable, Leta Ratteree and William E. Hays should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137) and that inasmuch as said applications were not filed within the time limited by the provisions of said Act, the same should be dismissed, and it is so ordered.

I am further of the opinion that the application filed July 23, 1906 and July 24, 1906, for the enrollment of Alva Adams, Theodore Early Goodwin, Clinton L. Wooding, Jessie Fay Guyer and Rosa Lee Guyer and the petition herein in so far as same applies to said applicants should be dismissed, and it is so ordered.

(signed) Tams Bixby,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

Feb 13 1907

Choc 0300 James A Lewis

D300

Muscogee, Indian Territory,

August 18th, 1900.

James P. Lewis,

Boontuohka, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-300.

MEMORANDA.

(Date) Aug 7 1890.

Name James L. Lewis

Choctaw? yes County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? yes Mother's citizenship _____

Intermarried citizen? _____

Married under what law? _____

License filed this day, _____

Wife's name, _____

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? _____

Married under what law? _____

License filed this day _____

Names of children:

_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____

✓ Admitted by W.C. Sommers on 10/18
#101 - as to residence see his testimony

D 300

In the matter of the appli-
cation of James D. Lewis for
enrollment as a citizen by
blood of the Choctaw Nation.

Now on this 8th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the following procedure was had.

No appearance on behalf
of the Choctaw and Chickasaw
Nations.

James D. Lewis, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name, Mr. Lewis? A James D. Lewis.
Q What is the name of your father? A David Lewis.
Q Is he a Choctaw or a white man? A He was a Choctaw, I reckon.
Q What is your mother's name? A Her name was Lena Lewis.
Q Lena Lewis? A Yes sir.
Q What was she? A Choctaw or a white person? A She was a white woman.
Q Are your father and mother both living? A Living?
Q Yes. A No sir.
Q Is either one of them dead, or both dead? A My father's dead.
Q Your mother is still living? A Yes sir.
Q How old are you now, Mr. Lewis? A Twenty-one.
Q Twenty-one? A Yes sir.
Q You are the same James D. Lewis that applied to the Commission in August, 1899, are you? A Yes sir.
Q Are you the same James D. Lewis that was admitted by the United States Court for the Central District in '98? That is the date of the Judgement? A Yes sir.
Q Where were you living, Mr. Lewis, at the time you made this application in '99? A For enrollment.
Q Yes. This last application in August, 1899 when you went before the Commission? A I was living in Oklahoma.
Q You was living in Oklahoma? A Yes sir.
Q Who were you living with in Oklahoma? A I was living with my mother.
Q Living with your mother; how long had you lived there in Oklahoma in '99? A About six years I guess.
Q About six years? A Yes sir.
Q Where are you living now? A I am living in Oklahoma.
Q You are still living in Oklahoma? A Yes sir.
Q Don't claim any home or residence here in the Territory? A Yes-sir.
Q Where? A Chickasaw Nation.
Q Chickasaw Nation? A Yes sir.
Q Do you spend all of your time in Oklahoma? A No sir, not all of it.
Q What part of your time do you spend in the Chickasaw Nation? A Oh, about three or four months out of the year.
Q About three or four months out of the year? A Yes sir.
Q What are you doing in Oklahoma? What business are you in? A I am working by the month.
Q Have you got any business if any kind in the Chickasaw Nation? A I have got a place there.
Q Place there? A Yes sir.
Q Do you cultivate it yourself or do you rent it out? A Rent it out.
Q What is your post office address? A Econtuoka.
Q What is that, Oklahoma or Indian Territory? A Just across the

line.

- Q Just across the line where? A In Oklahoma.
Q How far from Econtucka do you live? A Four miles.
Q You say that post office is in Oklahoma? A Yes sir, just across the line.

Examination by J. G. Harley, Attorney.

- Q Mr. Lewis, you are just a little over twenty-one are you? A Yes sir.
Q And have been living with your mother all of this time? A Yes sir.
Q You now have a place in the Chickasaw Nation? A Yes sir.
Q How long have you had that place? A I have had that place three years this last March.
Q About three years? A Yes sir.
Q Farm, is it? A Yes sir; there's twenty acres in cultivation.
Q You have that holding it by virtue of your right as a member of the Choctaw Tribe of Indians under this Judgment of the United States Court? A Yes sir.
Q Do you expect to make the Indian Territory your home? A Yes sir.
Q Up to this time you have been spending the greater part of your time with your mother? A Yes sir.
Q Your mother is not enrolled is she? A Yes sir.
Q You expect then to make your home in the Choctaw or Chickasaw Nation? A Chickasaw Nation.
Q How far is this place of yours from where your mother lives in Oklahoma? This place in the Chickasaw Nation from where your mother lives in Oklahoma? A About forty-five miles.
Q About forty-five miles? A Yes sir.
Q You are not a marriedman? A Not now.
Q Have you a wife or family? A My wife's dead.
Q Your wife's dead? A Yes sir, I have one child.
Q What is the name of that child? A Howard H.
Q How old is that child? A Two months old yesterday.

By the Commission.

This case will be considered upon the evidence and record as now made up.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 8th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 10 day of April, 1902.

W. H. Mitchell
Notary Public.

Chectaw D-300.

Muskogee, Indian Territory, February 28, 1902.

James D. Lewis,
Econtuchka, Oklahoma.

You are hereby notified that your application for enrollment as a citizen of the Chectaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 8th day of April, 1902.

On said date you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Chectaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

register.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Commissioner in Charge.

Commission to the Five Civilized Tribes,

Calvin, Ind. Terr., August, '97.

In the enrollment of James D. Lewis as a Choctaw; being sworn and examined by Commissioner McKennon he testifies:

- Q What is your name? A James D. Lewis. Q Age? A 18.
- Q Where have you been living? A In Oklahoma with my mother for the last four years. I lived in the Creek Nation and the Cherokee and Choctaw.
- Q When did you leave Oklahoma? A I left yesterday.
- Q And came here? A Yes sir.
- Q Been living there? A Been living there this summer with my mother.
- Q Been living there four years you say? A Yes sir.
- Q Where did you go from when you went there? Creek Nation.
- Q How long had you been living in the Creek Nation? A Five or six years I guess.
- Q When you went to the Creek Nation where did you go from?
- A The Cherokee.
- Q How long had you been living there? A I guess about three years.
- Q Where did you go from when you went to the Cherokee Nation?
- A The Choctaw Nation.
- Q How long had you been living in the Choctaw Nation? A I couldn't tell you; I was born in the Choctaw Nation.
- Q How old were you when you went to the Cherokee Nation?
- A I think I was about two years old.
- Q Since that time you have been living out of the Choctaw Nation; you have been living elsewhere? A Yes sir.
- Q You say you left Oklahoma yesterday? A Yes sir.
- Q You are still living there? A Yes sir. I made a crop there this summer.
- Q Your mother there? A Yes sir.
- Q She is not admitted? A No sir.

(James D. Lewis, #2)

Q (Att'y Shackelford) Your mother living? A Yes sir.

Q Your father living? A No sir.

Q Did your mother and father separate? A No sir.

Q (Choc. Com'r Lewis) Which one of these brothers is your father? A Dave Lewis.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that my official act as stenographer to the said Commission, and this transcript is a true, full and correct translation of my stenographic notes.

M. D. O'Connell

D301

8 511

James R. Oliver

Record transferred to Choctaw
card # 412

CHOCTAW

D 302

Morris Battiest.

CANCELLED

*transferred to Choctaw
card No 6012*

July 25, 1906.

Choc D303 Dora Langford

Dismissed oct 6, 1905

D303

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a
citizen by intermarriage of the Chectaw Nation of - -

Dora Langford.

7-D-303.



D 3034

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify that the original on which this transcript is taken, and the Commission, that this transcript is a true and correct translation of my stenographic notes.

MD Keen

Commission to the Five Civilized Tribes,

Hartshorne, Indian Territory.

In the enrollment of Mary Langford as an intermarried Cheetaw;
being sworn and examined by Com'r McKenna she testifies:

Q What is your name? A Mary Langford.

Q What is your age? A Thirty-six

Q Are you still living with your husband whom you married on
the 26th day of April, 1898, William H. Langford?

A I am still his wife, he is not at home; he went to his people
in the spring and I heard he was dead; I don't know.

Q You don't know where he is? A He is at Wilberton with his
people.

Q You don't correspond with him? A He don't answer.

Q You thought he was dead? A Yes sir.

(Attorney Foster here states that he has learned that
William H. Langford is not dead, and had so advised
the applicant.)

Q When did he leave you? A The last day I saw him was
the 22nd of February 1899.

Q He had been living with you for sometime? A Yes sir, ever
since the first of July, - until then.

Q You had separated before? A He went off and staid about a
month, b t he said he hadn't separated.

Q Is he the William Langford who was admitted in this judgment
of the United States Court at South McAlester August 24th, 1897,
case number 94? A Yes sir.

Q Where has he been living? A Alderson was his post-office
last winter, and Wilberton is now.

Q You have been living here in the Cheetaw nation since you
were married?

A Yes sir.

On card as Maria Langford

No. 167 70303

CERTIFICATE OF RECORD OF MARRIAGES

The Indian

CENTRAL

I, E. J. FANNIN, Clerk of the United States Court in the Indian Territory and District at

DO HEREBY CERTIFY that the License for and Certificate of the

was filed in my office in said Territory and District the 10 day of June A. D., 1898 and duly recorded in Book 8 of Marriage Record page 110

WITNESS my hand and seal of said Court, at Do McAlister this 10 day of June A. D., 1898

E. J. FANNIN, Clerk.

By _____ Deputy

70303

Marriage License

UNITED STATES OF AMERICA

Indian Territory
Central District

SS.

To Any Person Authorized By Law to
Solemnize Marriage—Greeting.

You are hereby commanded to solemnize the
Rite and publish the Bans of Matrimony between
Mr. Henry Luckford of Wiltanton
in the Indian Territory, aged 36 years, and
Mrs. Nora Randolph of Wiltanton
in the Indian Territory, aged 36 years,
according to law and do you officially sign and return this
License to the parties therein named.

WITNESS My hand and Official Seal this

28 day of Apr A. D. 1898

E. J. Garrison
Clerk of the U. S. Court

Deputy

CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA

Indian Territory
Central District

SS.

I, Eldes Peter Adamson a Minister of Christ
DO HEREBY CERTIFY, That on the 21 day of April

A. D. 1898, I did duly and according to law, as commanded in the foregoing
License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 21 day of April A. D. 1898

My credentials are recorded in the office of the Clerk of the United States Court, in the Indian
Territory, Central District, Book A Page

Eldes Peter Adamson
Minister of Christ

NOTE This License and Certificate of Marriage must be returned to the Office of the Clerk of the
United States Court of the Indian Territory, from whence it was issued, within sixty days from the date there-
of or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100).

7-D-303.

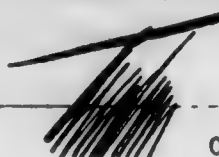
DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Dora Langford as a citizen by intermarriage of the Choctaw
Nation.

-----o-----

The applicant, Dora Langford, claims the right to enrollment
as a citizen by intermarriage of the Choctaw Nation by reason
of her marriage on April 28, 1898, to William H. Langford.

The right of applicant's husband (as William Langford) to
citizenship in the Choctaw Nation, having been adversely de-
termined by a decree of the Choctaw and Chickasaw Citizenship
Court of February 1, 1904, in case No. 13 upon its South McAle-
ster Docket, it is hereby ordered that the application for the
enrollment of Dora Langford as a citizen by intermarriage of
the Choctaw Nation be dismissed.



Commissioner.

Muskogee, Indian Territory,

OCT 5 1905

7-4-203.

Muskogee, Indian Territory, October 6, 1905.

COPY

Mrs Langford,

Hartshorne, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated October 6, 1905, dismissing your application for enrollment as a citizen by intermarriage of the Chehaw Nation.

Respectfully,

SIGNED

James Bixby

Commissioner.

Register.

7-4-203.

7-D-303.

Muskogee, Indian Territory, October 6, 1906.

COPY

T. H. Fester,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated October 6, 1906, dismissing the application for the enrollment of Dora Langford as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

Tams Birbu
Commissioner.

Register.

7-D-303.

7-D-302.

Waskagee, Indian Territory, October 6, 1905.

Manefield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated October 6, 1905, dismissing the application for the enrollment of Dora Langford as a citizen by intermarriage of the Choctaw Nation.

~~Respectfully,~~
SIGNED

Tamc Bixby
Commissioner.

7-D-303.

North Wallcut, 112 April 27 1900

Dear Commission

Wilmington

Gentlemen:

Will you please advise me as to the decision of the Commission in the Chester interview case of Mary Hall. The application was made at Hartshorne. Also in the Chester interview case of Dora Lankford.

There is one Dora Lankford who was adjudged an intermarried citizen by U. S. Court in Bidie case and who is the wife of Ed Lankford. The Dora about whom I inquire is the wife of Wm Lankford married after application in 1896 and not included in judgment. Her application was made at Hartshorne also.

Respy

T. H. Foster.

5203

Washington, D.C., April 22, 1934

Mr. F. E. Bailey,

Attorney at Law,

1000 Massachusetts Avenue, N.W.,

Dear Sir:

The Commission is in receipt of your letter of April 17th, in which you make inquiry as to its decision in the Shostak inheritance case of Mary Hale, and also of Mrs. Lockford, the wife of William Lockford. In reply to your letter, you are advised that the Commission has not yet finally passed upon these cases but will probably do so in the near future, when the action thereon will be given.

Yours truly,

Arthur H. Brown,

Washago, Indian Territory, September, 10, 1901

T. W. Foster,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of recent date giving information relative to Mary Hale and desiring to be informed of the conclusion of the Commission in the matter of her application for enrollment as a citizen of the Choctaw Nation and also the conclusion of the Commission in the case of Dora Lankford, married to William Lankford, who is now dead.

You are informed that no decision has yet been rendered in the matter of the applications of these parties for enrollment as citizens of the Choctaw Nation. When such decisions are reached, copies of the same will be forwarded to the respective applicants.

Yours truly,

Commissioner in Charge

7-D-303
7-D-291

W.C.

MEMORANDA.

Notation

(Date)

1899.

Name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

36 ^r Wife's name, *Dora* *P. 44-8*

x Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship *18*

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

Ordinance ... with his name ...

P. 7 ...

** for ...*

Notar ...

1899

Department of the Interior.

Commission to the Five Civilised Tribes,
MUSKOGEE, IND. TER.

RECEIVED

NOV 8 1905

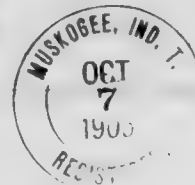
HARTSHORNE, IND

254
250

Dora Langford,

Hartshorne,

Indian Territory



7-D-303

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

NOV 11 1905

COMMISSIONER

REFER IN REPLY TO THE FOLLOWING:

7-D-303.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 6, 1905.

Dora Langford,

Hartshorne, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated October 6, 1905, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,



Commissioner.

Register.

7-D-303.

D304

CHOCIAW D

John F. Jones, et al

D 304

Records transferred to
CHOCIAW # 5777

D305 Ludie Babers

Dismissed OCT 25, 1904

D305

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
as a citizen by blood of the Choctaw Nation of—

LUDIE FABERS.

7-D-305.

Chectaw D-303.

Muskogee, Indian Territory, February 23, 1903.

Indie Babers,

Coalgate, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Chectaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 8th day of April, 1903.

On said date you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Chectaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 8, 1902.

.....
:: In the matter of the application ::
:: of Ludie Babers for enrollment as ::
:: a citizen of the Choctaw Nation. ::
.....

D-305.

On the 28th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Ludie Babers for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 8th day of April, 1902, for final consideration.

Now on this 8th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 8th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 10th day of April, 1902.

Hal Belford
Notary Public
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ludie Babers as a citizen by blood of the Choctaw Nation.

-----:-----:-----

It appears from the records of the Commission that on September 9, 1896, in the case entitled "Everett E. McCarty, et al. vs. Choctaw Nation." (1896 Choctaw Citizenship Docket, case number 1275), original application was made to the Commission under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321) for the admission to citizenship in the Choctaw Nation as a citizen by blood thereof of the applicant, Ludie Babers, and on December 8, 1896 said Ludie Babers was by this Commission denied admission to citizenship in the Choctaw Nation as a citizen by blood thereof. From this decision of the Commission an appeal was taken to the United States Court for the Central District of Indian Territory, which court in the case entitled "Everett E. McCarty, et al. vs. Choctaw Nation." (Citizenship Case, number 59) reversed said decision of the Commission denying said Ludie Babers admission to citizenship in the Choctaw Nation and admitted said applicant as a citizen by blood of said Nation.

It further appears from the records in the possession of the Commission that on December 17, 1902 the Choctaw and Chickasaw Citizenship Court, created by the act of Congress approved July 1, 1902 (32 Stat., 641) "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Central District of Indian Territory. Said cause has not been appealed or certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the provisions of said act of Congress approved July 1, 1902.

In accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I.T.D. 3824-1904) and the opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904 (I.T.D. 5246-1904) the Commission to the Five Civilized Tribes is without authority to take any action of any character looking to the enrollment of Ludie Babers as a citizen by blood of the Choctaw Nation and it is, therefore, hereby ordered that the application for the enrollment of Ludie Babers as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

Chairman.

SEP 10 1904

7-D-305

COPY.

Muskogee, Indian Territory, October 25, 1904.

Ludie Wells,

Magdalena, New Mexico.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated October 25, 1904, dismissing your application for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

James B. Ditty

Chairman.

Registered.

Incl. 7-D-305.

COPY.

7-D-308

Muskogee, Indian Territory, October 25, 1904.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated October 25, 1904, dismissing the application for the enrollment of Ludie Babers as a citizen by blood of the Choctaw Nation.

Respectfully,

Tamc Dixey
Chairman.

Incl. 7-D-308.

Washington, Indian Territory, September 24, 1900.

Ludie H. Baker,

San Antonio, New Mexico.

Dear Madam:

The Commission is in receipt of your letter of the 9th instant, in which you desire to be informed if your name is on the roll and as to your status as a citizen of the Cheateau Nation.

You are informed that the records of this Commission show that you on August 8th, 1899, appeared before the Commission as an applicant for enrollment as a citizen by blood of the Cheateau Nation having been admitted to such citizenship by judgment of the United States Court for the Central District of the Indian Territory, rendered at South McAlester, August 26th, 1897 in court case No. 99.

You stated at that time that your residence had been in New Mexico since 1890 and for that reason the Commission did not list you for enrollment as a citizen of the Cheateau Nation but placed your name upon the doubtful list of claimants in that Nation.

The attorneys for the Cheateau Nation have filed with this Commission recently, a protest as to your final enrollment as a citizen of that Nation and on August 18th, 1900, a notice of such protest was mailed to you at Ocalgate, Indian Territory, the address you gave to the Commission when you appeared before the Commission as an applicant in 1899. This notice has been recently returned to the Commission as unclaimed and is now enclosed you herewith.

The ground upon which the Cheateau Nation makes objection to your enrollment is as to your residence, you not having complied

with that provision of the act of Congress of June 24th, 1906,
which reads as follows:

"No person shall be enrolled who has not heretofore resided to some
in good subsistence on the water in which he claims citizenship."

If you desire to offer additional oral testimony in support
of your application, you will be allowed to do so at the session
of the Commission at Omaha, Indian Territory, beginning November
3rd, 1900, and also to submit written argument or brief in support
of your claim, provided the same are filed with the Commission
prior to March 1st, 1901.

As soon as the facts are ascertained the Commission
will determine the rights of these doubtful claimants to enrollment
and the decision of the Commission stating fully therein the reason
for any action it may take in any of these cases will be mailed to
the applicants.

Yours truly,

Acting Chairman.

Enc 4

In reply please
refer to 7-D-305

Muskogee, Indian Territory, August 14, 1904.

Mrs. Ludie E. Wells,

Magdalena, New Mexico,

Dear Madam:

Receipt is hereby acknowledged of your letter of July 25, relative to your enrollment as a citizen of the Choctaw Nation, stating that you were registered under the name of Ludie E. Babers, but are now married to a man named Wells, and have one child.

In reply to your letter you are advised that it appears from our records that Ludie Babers was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, August 26, 1897. On December 17, 1902, the Choctaw and Chickasaw Citizenship Court rendered its decree vacating and setting aside all judgments of United States Courts in Indian Territory, admitting persons to citizenship in the Choctaw and Chickasaw Nations, and it does not appear that appeal was taken to the Choctaw and Chickasaw Citizenship Court in your behalf within the time prescribed by the act of Congress approved July 1, 1902,

Under the decision of the Attorney General for the United States, the Commission is now without authority to enroll you as a

L E W 2

citizen of the Choctaw Nation, no appeal having been taken in your case to the Choctaw and Chickasaw Citizenship Court within the time provided for that purpose. The envelope inclosed by you is herewith returned.

Respectfully,

Commissioner in Charge.

AB 2-16

Muskogee, Indian Territory, April 8, 1905.

Mrs. L. E. Stone,

Care of R. R. Wells,

Magdalena, New Mexico.

Dear Madam:

Receipt is hereby acknowledged of your letter of March 22, 1905, in which you state that you are on the rolls as Judie E. Babers; you further state that you are granddaughter of E. E. McCarty and you wish to know what can be done with reference to securing your right as a citizen of the Choctaw Nation.

In reply to your letter you are informed that on October 25, 1904, the Commission to the Five Civilized Tribes dismissed your application for enrollment as a citizen by blood of the Choctaw Nation, the persons through whom you claim your Choctaw blood having been denied by the Choctaw and Chickasaw Citizenship Court.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory,

August 18th, 1900.

Ludie Babers,

Coalgate, Indian Territory,

Dear Miss:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Gornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman,

7-D-305.

MEMORANDA.

W e

(Date) Aug 8 1899.

Name

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day,

16 ✓ Wife's name, *Ludie Babers*

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children :

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

as shown on ...
177 ...
... testimony of

D 305

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 8, 1902.

.....
: In the matter of the application :
: of Ludie Babers for enrollment as :
: a citizen of the Choctaw Nation. :
.....

D-505.

On the 28th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Ludie Babers for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 8th day of April, 1902, for final consideration.

Now on this 8th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 8th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 10 day of April, 1902.

W. L. Belford
W. L. Belford
Notary Public.

CHOCTAW D 306

Delores Whittle

Record transferred to

CHOCTAW

5815

CHOCTAW D 307

Georgia Ann Lawrence.

*Record transferred to
Choctaw card # 3322*

CHOCTAW L. 308

John W. Carter.

GRANTED.

*Transferred to Choctaw card No. 5972.
January 13, 1906.*

Mattie Burditt

Record transferred to
Choctaw card #3325

Choc D310 Virginia Uantern

Dismissed may 13, 1904

D310

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment
as an intermarried citizen of the Choctaw Nation of:

VIRGINIA VANHORN ----- 7-D-310.

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Commission to the Five Civilized Tribes by certificate, upon my official oath as
stenographer to above named Commission, that the
transcript is a true, full and correct translation of
my stenographic notes. *MDL*

Calvin, Indian Territory.

In the enrollment of Virginia Vanhorn as intermarried Choctaw,

being sworn and examined by Com'r McKennon she testifies as follows

- Q What is your name? A Virginia Vanhorn.
- Q How old are you? A Twenty-five.
- Q You are the wife of Oscar Vanhorn? A Yes sir.
- Q He was admitted by the United States Court at South McAlester?
- A Yes sir.
- Q When were you first married to him? A In 1890.
- Q Where? A At South McAlester.
- Q Under the United States laws? A Yes sir.
- Q You present here a marriage certificate dated August 3rd, 1899 to Oscar Vanhorn; had you ever been separated from him? A No sir.
- Q You were still his wife at that time were you? A Yes sir.
- Q Your name wasn't Virginia Harrison then was it? A No sir it was Vanhorn.
- Q This then was the second marriage between you and him?
- A Yes sir.
- Q For the purpose of complying with the Choctaw law? A Yessir.
-

marriage certificate.

I, H. B. Milner, a minister of the Gospel, do hereby certify that on this the 3rd day of August 1899 in the city of South McAlester, I. T. I did, according to the laws, customs and usages of the Choctaw Nation I. T. duly solemnize the rites of matrimony between Oscar Vanhorn and Virginia Harrison, Oscar Vanhorn being a Choctaw Indian by blood and Virginia Harrison being a white woman.

H. B. Milner

August 3rd 1899.

My credentials are recorded in "Record B" page 122 in the United States Clerk's office at South McAlester, I. T.

Filed in my office for record at 3 P.M. And duly recorded in Book C. Page 238 of Tobacco County Court records. This 3rd day of Aug 1899

H. B. Milner
County and Probate Clerk of Tobacco Co. Okla.

7-D-310.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

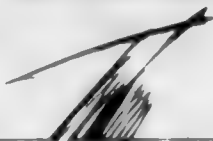
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In the matter of the application of Virginia Vanhorn
for enrollment as a citizen by intermarriage of the Choctaw Nation.

-----O-----

The applicant, Virginia Vanhorn, nee Harrison, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one Oscar Vanhorn. The right of the applicant's husband, Oscar Vanhorn, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of March 21, 1904, in case No. 122, upon the South McAlester docket of said court, it is hereby ordered that the application of Virginia Vanhorn for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

MAY 1904

Chester D-310

CPY

Muskogee, Indian Territory, May 13, 1904.

Virginia Vanhorn,

Berwood, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 13, 1904, dismissing your application for enrollment as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

WIGNE

Girby.

Chairman.

Registered.

Incl. 7-D-310.

Chester D-310.

COPY.

Wuskogee, Indian Territory, May 13, 1904.

Massfield, McMurray & Cernish,

Attorneys for Chester and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated May 13, 1904, dismissing the application of Virginia Vanhorn for enrollment as a citizen by intermarriage of the Chester Nation.

Respectfully,

(SIGNED)

Tams Dixby.

Chairman.

Incl. 7-D-310.

MEMORANDA.

(Date) *Aug. 9.* 1899.

Name _____
 Choctaw? _____ County _____ Year _____ No. _____
 Chickasaw? _____ County _____ Year _____ Page _____
 Citizen by blood? _____ Mother's citizenship _____
 Intermarried citizen? _____

me

Married under what law? _____
 License filed this day, _____

25

Wife's name, *Virginia Vanhook*
 Choctaw? _____ County _____ Year _____ No. _____
 Chickasaw? _____ County _____ Year _____ Page _____
 Citizen by blood? _____ Mother's citizenship *MS*

Intermarried citizen? *Yes*
 Married under what law? _____
 License filed this day *24*

Names of children:

_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____

the ...

2310

Muscogee, Indian Territory,

August 18th, 1900.

Virginia Vanhorn,

Durwood, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornis, has filed with this Commission a notice of pretest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-310.

Mustang, Indian Territory, September 18, 1900.

Virginia Vanhorn,

Durwood, Indian Territory.

Dear Madam:-

Since notifying you on August 16, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised is in your right to enrollment under your second marriage.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Stone beginning December 1st, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

D311

D. 31

Simon Huddleston

Record transferred to Chas. card # 5685

D. 312

James C. Mc Neely

Record transferred to Choctaw
card #5352.

D 313

Allen M. Cummings.

Record transferred to Choctaw
card # 3343

CHOCTAW D 314

William R. Wooley

Record transferred to

CHOCTAW. # 3344.

Choc D315 James P. Stanphill

D315

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of James P. Stanphell as a Choctaw; being sworn and examined by Commissioner McKennon he testifies as follows:

Q What is your name? A James P. Stanphell.

Q How old are you? A Twenty-seven.

Q Where have you been living? A In ~~the Choctaw Nation~~
Kiamitia county.

Q How long? A I have been down there about- hardly a year.

Q How long have you been living in the Choctaw Nation?

A I cannot tell you for certain; I lived in the Choctaw off and on for a good while.

Q How much off and how much on? Where did you come from originally? A I was born in Alabama.

Q Where did you come from to the Territory? A Arkansas.

Q When? A I can't tell you; I was small.

Q How long did you stay here? A I believe it was about four years.

Q Then where did you go? A I went back.

Q How long did you stay there then? A I think we staid there about three or four years.

Q Then where did you go? A Come back to th Territory.

Q How long did you stay here then? A I have been in the Territory ever since.

Q How old were you then when you came to the Territory the last time? From Arkansas? A I was about, I suppose, nineteen or twenty.

Q When was that, what year? A Somewhere along about '90.

Q Have you lived here all the while ever since that time?

A Yes sir most of the time; I have been on a visit or two.

Q How long did you stay here when you came in 1890?

A I staid here in the Territory- I lived in the Creek Nation part of the time.

Q When did you go to the Creek Nation? A I went to the Creek

(James P. Stanphell #2)

the next year after I came back from Arkansas.

Q How long did you stay up there? A I think it was about a couple of years maybe.

Q What year did you come back from up there? A I guess about 1893.

Q How long did you stay here then? A I staid here-I don't remember, I never kept any record.

Q How long did you stay here after you came back from the Creek Nation? A I don't remember; I staid here sometime; about a year or so I suppose.

Q Where did you go to then? A I went to Texas.

Q How long did you stay in Texas? A I believe I staid there little over a year, and then I come back.

Q When did you come back from Texas? A I think I came back about 1895.

Q How long did you stay here then? A I didn't stay here but a few months.

Q About how many months? A I didn't stay more than about two or three months I suppose.

Q Where did you go to then? A I went back to Texas and I staid there until last fall.

Q When did you go to Texas the last time? A I went last fall was a year ago I believe.

Q That was the fall of '97? A Yes sir, I reckon so.

Q Then you staid there how many years? A About a year the last time.

Q You came back here when, what time last fall? A Just a while before Christmas.

Q Been here ever since? A Yes sir.

Q After being in Texas the first time how long did you stay here?

A After I came back the first trip I didn't stay but about a couple of months, I think and then I went back.

(James P. Stanphell #3)

Q What year was that?

Here the applicant states that he is sick, and further taking of his testimony is discontinued and he is excused, he stating that he will be back during the day for further consideration of his case.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

Department of the Interior,
Commission to the Five Civilized Tribes.
Atoka, I.T., December 4, 1900.

James P. Stanphill
vs.
Choctaw Nation.

Card D-315.

In the matter of the application of James P. Stanphill for enrollment as a Choctaw citizen by blood; he appearing before the Commission, and being duly sworn, testified as follows:

Mr. Cornish: The question in this case is as to the residence of the applicant.

Mr. J.H. Linebaugh, attorney for applicant: Mr. Stanphill, you live in the Choctaw Nation? A Yes, sir.

Q How long have you been living in the Nation? A I can't tell you for certain how long.

Q About how long, about what number of years? A I have lived in the Territory altogether about eleven years I guess.

Q Lived in the Territory, but how long have you been living in the Choctaw Nation? A I lived in the Choctaw Nation three years at first, then after I returned back to the Choctaw Nation I remained here, I forget.

Q About how long has that been since you speak of returning back to the Choctaw Nation, how long ago has that been, approximately?

A It has been about nine years I think since I returned, eight or nine years, I don't remember.

Q During that time, since you returned, I will ask you if you have been absent from the Choctaw Nation, or if this has been your home all the time? A I have always made this my home, but then I haven't been present here all the time.

Q What portion of the time? A I left the Choctaw Nation and went to the Creek Nation, I returned from there in about a year or a little over.

Q Well, was this your home at the time, were you temporarily in the Creek Nation or were you making that your home; was the Choctaw Nation your home at that time? A My folks lived here.

Q State whether or not this was your home? A Well, really I suppose they would count my home, I was with my father.

Q You were living with your parents at that time? A Yes, sir.

Q And they were living in the Choctaw Nation? A They lived in the Choctaw Nation and then went to the Creek; I think we stayed there a little over a year, after we returned back from Arkansas.

Q You moved back to the Choctaw Nation then? A Yes, sir.

Q Have you been absent from the Choctaw Nation since that time, if so, when and where? A I returned here after I returned back from the Creek Nation until December 5th, 1896.

Q Where did you go then? A Texas.

Q How long did you remain in Texas? A I remained there until about the first or second day, I started back, of July, 1898.

Q State whether or not you removed to Texas and made your home, or whether the Choctaw Nation at that time was your permanent home and whether you were temporarily absent in Texas? A I always made this my home, my father was here and part of my things; I had part of my things with me and part here; I didn't intend to make that my home, though.

Q You didn't make that your home; you considered this then your home at that time? A Yes, sir, I considered this my home.

Q Are you married or a single man? A Single man.

Q Your made your home with your parents at that time? A Yes, sir.

Q And the principal part of your things during your temporary sojourn in Texas was at your father's residence in the Choctaw Nation?

A Yes, sir.

Q Have you been absent any other time? A No, sir, I haven't.

Q Then, if I understand you correctly, for the last eight or nine years you have made your home in the Choctaw Nation, this has been your permanent home? A Yes, sir, it has been my home, I have been away what time I stated, but I have always made it my home, and that is the only time I have been away.

Q You state you were away temporarily then? A Yes, sir.

Mr. Cornish: You claim admission by a judgment of the United States court? A Yes, sir.

Q Claim to be a Choctaw Indian? A Yes, sir.

Q Where were you born and raised? A I ~~was~~ always understand I was born in Alabama, but I don't know for certain.

Q Now we will follow you from the time you left Alabama down to the present time; how old were you when you left there? A I don't know, I don't remember leaving there.

Q Where were you when you first remember? A In Arkansas.

Q What part of Arkansas? A Yell County.

Q How long did you live there? A I think - I was too small, I don't remember, but my father says he lived there three years, I was small and I don't remember.

Q What year did you leave Yell County? A I can't tell you.

Q How old were you when you commenced to recollect? Where were you at the time when you can recollect down to the present time?

A From the time I can remember down to the present time, was about the time we returned to the Territory.

Q When did you first show up in the Territory, what year? A I don't remember what year.

Q About what year? A When we first lived in the Territory, or moved from Texas back?

Q I last heard of you in Arkansas; when did you go over to Texas? A When I left there.

Q How long did you stay in Texas? A I can't tell you.

Q Where did you go from Texas to? A Came back to the Territory.

Q That is the first time you came to the Territory? A Yes, sir.

Q In what year did you arrive in the Territory? A I can't tell you, I was a boy then.

Q About what year? A I suppose about 12 years old.

Q How long did you live in the Territory at that time? A Three years.

Q Did you own land? A No, sir.

Q Did you rent? A Yes, sir.

Where did you rent, where did you live? A Lived right in the corner of the Choctaw Nation.

Q How long did you live there? A Three years.

Q Where did you ~~move~~ go then? A Arkansas.

Q What county? A Yell County.

Q Did you rent land in Yell County? A Yes, sir.

Q How long did you live there at that time? A I think about three years.

Q Where did you go from there? A Came to the Territory.

Q Where did you strike the Territory at that time? A Lived up on the Canadian.

Q On which side? A On this side.

Q On the Choctaw side? A Yes, sir.

Q Did you rent land there? A Yes, sir.

(Applicant objects to questions as to whether they rented or owned land, as immaterial; objection overruled by the Commission.)

Q Did you rent land on the south side of the Canadian river? A Yes, sir.

Q You didn't control any land as citizens? A Not at that time.

Q How long did you live there? A I think about a year.

Q Where did you go from there? A To the Creek Nation.

Q In what year did you strike the Creek Nation; that was the first time you struck the Creek Nation? A Yes, sir.

- Q What year was it? A I don't remember.
- Q It is a very important matter to you? A I suppose, the best I remember, that it was about 1890 or 1891, somewhere along there.
- Q How long did you live in the Creek Nation? A We made one crop there and went there in the summer before.
- Q Then you spent either the year of 1890 or 1891 in the Creek Nation?
- A Yes, sir.
- Q Did you rent land? A Yes, sir.
- Q Where did you go from the Creek Nation? A Came back to the Choctaw Nation.
- Q That is the third time you struck the Choctaw Nation? A Yes, sir.
- Q How long did you stay on that third trip? A I remained there then until December, about the fifth, as well as I remember.
- Q Of that year? A Of 1896.
- Q You remained there from 1894 to 1896? A Somewhere about that time.
- Q About two years? A Somewhere about that time, yes, sir.
- Q Did you rent land during that time? A My father rented land.
- Q You were with your father? A Yes, sir.
- Q And your father rented? A Yes, sir.
- Q Who did he rent from? A Martin.
- Q Martin a citizen? A Yes, sir.
- Q Where was that, where was Martin from? A In Sanboy County.
- Q Where did you go from there? A Moved from there to the saw mill and worked there a while.
- Q Follow me right along: you were on the Martin farm two years, that brought you to 1896. A It was in 1896 when I left it.
- Q You were on the Martin place till 1896? A Yes, sir.
- Q Where did you go from the Martin farm? A My father moved from there.
- Q You were with your father? A Yes, sir, to the saw mill.
- Q Where was that? A Close to Red Oak in the Choctaw Nation.
- Q How long did you remain at the saw mill? A I didn't remain there very long.
- Q Six months or a year? A No, sir, I remained there on that place and about there from the time I returned back.
- Q You say you were on the Martin place till 1896? A Yes, sir.
- Q You went to the saw mill from there? A Yes, sir, I just went over to the saw mill.
- Q How long did you stay there? A I didn't stay there but a little while.
- Q How long? A I don't remember how long I stayed there.
- Q You can approximate it? A I stayed there maybe a month or so.
- Q At the end of that month where did you go? A I went back up there.
- Q To the Martin place? A Yes, sir.
- Q That brought you up to what time? A I just went back for my things.
- Q Where did you go when you got your things? A I went to Texas.
- Q In what year did you arrive in Texas? A December, 1896.
- Q Did your father go with you? A No, sir.
- Q Where did he stay? A Up there.
- Q At the Martin farm? A No, sir, at the saw mill.
- Q You got your things from the farm and moved to Texas? A I brought part of my things from there and the remainder of them I left with my father.
- Q What did you have? A Some horses, clothing, that is about all.
- Q How many horses? A Four head.
- Q What ~~ammunition~~ other property did you have? A Clothing, only just clothing.
- Q You left then horses with your father and went to Texas? A I carried three of them with me.
- Q How many did you leave with your father? A One.
- Q You took three to Texas with your other things, and left one

with your father? A Yes, sir.

Q Did that horse belong to you or your father? A It belonged to me.

Q What became of that horse? A It died.

Q Where did you go to Texas? A To Hill County.

Q About what month of what year did you arrive in Texas? A I arrived in Hill County, Texas, December 19th.

Q Of what year? A 1898.

Q How long did you remain in Texas on that trip? A I remained there until about the first or second day, I don't remember which, of July, 1898.

Q What did you do while you were there? A I worked on a farm.

Q Own a farm or rent a farm or work for wages? A I worked for my brother in law.

Q He have a family there? A Yes, sir.

Q You remained in Texas from 1896, December, until July 2, 1898?

A About the first or second of July, yes, sir.

Q What did you do with those horses you took with you? A I brought two of them back with me.

Q How long did the horse live that you left with your father?

A I don't know.

Q Was he dead when you came back? A Yes, sir.

Q How long had he been dead? A I don't know, he died while he was at the saw mill, I left the horse with him.

Q Then while you were in Texas with your clothing and then three horses you didn't have anything at your father's except the horse during the time he lived, and when he died you didn't have anything there? A I had part of my clothing and such things as that.

Q You took most of your clothing with you to Texas when you went to stay two years? A I carried most of my clothing, yes, sir.

Q When the horse died you ~~hadn't~~ didn't have anything at your father's? A Only what few clothes I had.

Q And you left Texas on the first or second of July, 1898, and came back to the Territory? A Yes, sir.

Q Where was your father living at that time? A He was living at Oakland.

Q Did you come on the train or through the country? A I came in a buggy.

Q How long did it take you to make the trip? A Ten days.

Q Then you arrived at your father's July 10th or 12th, 1898?

A Yes, sir, that is as near as I can come at it, as near as I can tell you.

Mr. Linebaugh: Please state why you remained in Texas as long as you did, if you had any word from your people, and why you remained there and why you didn't return sooner? A My people was moving from up there and they had written to me when they stopped, I aimed to return in 1897, and when they stopped they would write to me where they was at.

Q And you simply waited until they got located up there and then returned? A Yes, sir.

Commissioner Bixby: How old are you? A 28 years old.

Q You are a single man, are you? A Yes, sir.

Q Did you ever vote at an election? A Yes, sir, I voted in an election for Cedar County last election.

Q Never voted before that? A No, sir.

Q No where? A I did vote in a school election in Hill County, in a little school election.

Q Hill County, Texas? A Texas: it was appointing a school trustee.

Q You voted for a school trustee, did you? A Yes, sir, it was right there at the little school where we lived, and I was up there and just voted at the election for school trustee.

Mr. Linebaugh: You have been recognised as a citizen here by the Choctaw authorities? A Yes, sir.

(The applicant objects to the admission of testimony which tends to

show that he was admitted to citizenship by a decree of the Court, and also objects to the testimony which ~~seems~~ tends to show that he rented land, because it is irrelevant, incompetent, and immaterial to the matter at issue.)

Mr. C. E. Stanphill, being duly sworn, testified as follows:

Mr. Linebaugh: Is your name C. E. Stanphill? A Yes, sir.

Q Where do you live? A Boggy Depot.

Q In the Choctaw Nation? A Yes, sir.

Q What is your age? A I will be 39 years old the 5th of January.

Q You are a citizen of the Choctaw Nation? A Yes, sir.

Q Are you acquainted with James P. Stanphill? A Yes, sir.

Q Are you any relation to him? A He is a nephew of mine.

Q How long have you known him? A Off and on, ever since he was a little bit of a fellow; I haven't been with him all the time.

Q Do you know how long James P. Stanphill has been a resident of the Indian Territory, Choctaw Nation? A I don't know exactly how long.

Q About how long? A I suppose it has been some -- all together you mean? ~~xxxxxxx~~

Q Yes, sir. A Some six or seven or eight years or something like that, I haven't counted up to see; he has been in here and out quite a while.

Q You have known him all that time? A Yes, sir.

Q Is he a single man or a married man? A Single man.

Q Do you know with whom he has made his home? A I suppose his home would be with his father, part of the time.

Q Do you know whether he has made his home with his father or not? A Yes, sir.

Q Where has his father been residing during that time? A At different places, he moved around considerably.

Q Been in the Territory? A Yes, sir.

Q Now Mr. Stanphill, do you know about the time that James P. Stanphill went to Texas? A Yes, sir.

Q From the Territory? A Yes, sir, I believe I do; he left my house when he started.

Q About when was that? A I can't tell you the exact time; as well as I remember it was about the first week in December, 1896.

Q Do you know when he returned? A I don't know exactly what date it was.

Q About when? A He was at my house sometime in July, I don't know what date, in 1898, ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~

Q Sometime in the spring or summer of 1898 had he returned from Texas? A Yes, sir, I don't know what time.

Mr. Cornish: Did you say during the spring or summer? A I said in July.

Mr. Linebaugh: That was when he was at your house? A Yes, sir, I don't know when he returned.

Q Did you know whether or not James P. Stanphill had gone to Texas to make his home or whether he was temporarily absent during that time down there and whether or not his home was in the Choctaw Nation at that time? A I don't know, it looked reasonable to me, him being a young man, his home would be at his father's; of course young men run around more or less.

Q Do you know whether or not he left any of his things at his father's and was making his father's house his home at that time?

A I can't tell you.

Q Do you know why he remained in Texas as long as he did? A Well, I don't know, I suppose the reason why he remained there so long I written to him all was going to leave there.

Q You wrote to him that you were going to leave the place where you were living, you and his father's family

-2-

A His father had been gone before I left and I didn't hear from him for three or four months.

Q What did you write to him? A I written when I got located I would write again, I didn't know whether he heard from his father or not, I hadn't.

Q Do you know whether or not he left anything at his father's, and if so, what? A I don't know, he didn't live right there close to me.

Q Has he been living in the Choctaw Nation ever since? A I suppose so, I have seen him here off and on at different times; this has been his home as far as I know.

Q Do you know whether he has been exercising the rights of a citizen in the Choctaw Nation, and recognized as such during that time?

A I don't know it, only he has told me he has, that is all.

—o—

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 4th of December, 1900.



Commissioner.

Muscogee, Indian Territory,

August 18th, 1900.

James P. Stamphill,

Goodland, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-115

6
Muskogee, Indian Territory, March 6, 1901.

Mr. J. F. Stanghill,

Goodland,

Indian Territory,

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 3d inst., in which you desire to be referred as to your action, if any, taken by the Commission, in the matter of your application for enrollment as a citizen of the Choctaw Nation.

The Commission has to inform you that it appears from our record that on August 14th, 1899, James P. Stanghill appeared before the Commission and made application for enrollment as a citizen by blood of the Choctaw Nation, having been admitted to such citizenship by judgment of the United States Court for the Central District, Indian Territory, rendered at South McAlester, Indian Territory, August 24th, 1887, in Court case No. 47.

The Commission has placed your name upon the doubtful list of applicants to enrollment as citizens of the Choctaw Nation, for the reason that objection has been entered by the Choctaw Nation to your final enrollment, upon the grounds that you had not complied with that provision of the Act of Congress of June 28, 1898, relative to residence in the Nation in which you claim citizenship. No decision has been rendered by the Commission as to your right to final enrollment and it may be some time before your case is taken

J.P.Stanphill -B-

up for final disposition. When it is considered, the Commission will render its decision upon such testimony and evidence as has been presented and a copy of such decision will be mailed to you, stating fully therein the reason for any action that may be taken.

Yours truly,

Acting Chairman.

7-D-315.

Choctaw D316
Choctaw 2830
Miss. Choctaw R5390

Muskogee, Indian Territory, March 28, 1903.

H. H. Hayes,

Daddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 21, asking the status of Joe Hollman and Jim Standfield.

In reply to your letter you are advised that it appears from our records that Peter Joseph Dolman is an applicant for identification as a Mississippi Choctaw, and no decision has been reached nor opinion rendered relative to his right to identification as such Mississippi Choctaw.

It further appears from our records that James P. Stanphill was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, rendered at South McAlester, August 22, 1897, in court case Number 47. On December 17, 1902, the Choctaw-Chickasaw Citizenship Court, created under the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902, vacated and set aside all judgments of the United States Courts in Indian Territory, admitting persons to citizenship in the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

MEMORANDA.

(Date) 1899.

Name *James P. Smith*

Choctaw? *yes*

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood? *yes*

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children :

..... County

Year

Page

No.

..... County

Year

Page

No.

..... County

Year

Page

No.

..... County

Year

Page

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Year

Page

No.

..... County

Year

Page

No.

D. 31

Henry L. Muldrew
Jr.

Record transferred to
Choctaw card # 308

Choc D317 Josephine Martinis

nos 4-526 Dismissed Jan 10, 1904

D317

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment
as citizens by blood of the Choctaw Nation of:

NELLIE MARJORIES, et al.,

7-D-317.

-----o-----

IN RE

Application for Enrollment of
INFANT CHILD.

Nellie May Jones

As a citizen of the

Shutaw

Nation.

Approved 1

.....
Commissioner.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
 of Kellie Majorie, born on the 21 day of November, 1897.
 Name of father: Manuel Majorie, a citizen of the Choctaw Nation.
 Name of mother: Josephine Majorie, a citizen of the Choctaw Nation.
 Post Office: Ardmore Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Southern District.

I, Josephine Majorie, on oath, state that I am 27 years of age and a
 citizen, by blood, of the Choctaw Nation; that I am the
 lawful wife of Emanuel Majorie who is a citizen, by non, of the
 _____ Nation; that a girl child was born to me on the 21 day
 of November, 1897; that said child has been named Kellie Majorie,
 and is now living.

Subscribed and sworn to before me this 16th day of August, 1899

Lydie Farthing
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
~~INDIAN TERRITORY,~~
State of Texas, Texas & vicinity

I, Mary Dathe, a midwife, on oath, state that I
 attended on Mrs. Mrs. Josephine Majorie, wife of Manuel Majorie
 on the 21 day of November, 1897; that there was born to her on said date a girl child;
 that said child is now living and is said to have been named Kellie Majorie

Subscribed and sworn to before me this

22

day of

August

1899

H. Woods

Notary Public.

Dexter Co. Texas

IN RE

Application for Enrollment of

INFANT CHILD

Manuel Marjorie
as a citizen of the*Choctaw* Nation.

Approved OCT 1 1900 190.

W. H. Mc...
Commissioner.DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 1 1900

ACTING CHAIRMAN.

CHOCTAW.

D-317

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Manuel Marjories Jr., born on the 26th. day of December, 1899
(Here insert name of child.)
Name of Father: Manuel Marjories, a citizen of the United States Nation.
Name of Mother: Josephine Marjories, a citizen of the Choctaw Nation.
Post-office, Keller Indian Territory

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY.
Southern District. }

I, Josephine Marjories, on oath state that I am Twenty nine
years of age and a citizen, by blood, of the Choctaw Nation;
that I am the lawful wife of Manuel Marjories, who is a citizen, by
United States, of the United States Nation; that a male child was
(male or female)
born to me on the 26th day of 26th? December, 1899; that said child has been
named Manuel Marjories Jr., and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Josephine Marjories

Subscribed and sworn to before me this 7th. day of September 1900 190.

E. A. Walker

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
State of Texas INDIAN TERRITORY.
S District. }

I, Antonia S. Lelal, a midwife, on oath state that I
attended on Mrs. Josephine Marjories, wife of Manuel Marjories,
on the 26th. day of December 1899, 1; that there was born to her on
said date a male child; that said child is now living and is said to have been
(male or female)
named Manuel Marjories Jr.

WITNESSES TO MARK:

(Must be Two Witnesses.)

A. A. Maydole
*M. L. Baird**Antonia S. Lelal*
mark

Subscribed and sworn to before me this

26th day of September 1900*C. H. McGinnis*
Better Co Texas.

NOTARY PUBLIC

IN RE

Application for Enrollment of

INFANT CHILD

Fredda Marjorie

as a citizen of the

Choctaw

Nation.

Approved,

1902

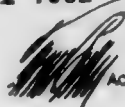
1902

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 21 1902



ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Fred Lee Majorie, born on the 4 day of May, 1902
(Here insert name of child.)
Name of Father: Manuel Majorie, a citizen of the United States Nation.
Name of Mother: Josephine Majorie, a citizen of the Choctaw Nation.
Post-office, Adams, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Southern District.

I, Josephine Majorie, on oath state that I am 32
years of age and a citizen, by blood, of the Choctaw Nation;
that I am the lawful wife of Manuel Majorie, who is a citizen, by
of the United States Nation; that a male child was
(male or female)
born to me on the fourth day of May, 1902, that said child has been
named Fred Lee Majorie, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Josephine Majorie

Subscribed and sworn to before me this 15 day of May, 1902.

W. A. Wilson

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Southern District.

I, Mary E. Morrison, a midwife, on oath state that I
attended on Mrs. Josephine Majorie, wife of Manuel Majorie
on the 4th day of May, 1902; that there was born to her on
said date a male child; that said child is now living and is said to have been
(male or female)
named Fred Lee Majorie

WITNESSES TO MARK

(Must be Two
Witnesses.)

Mrs. Mary Morrison

Subscribed and sworn to before me this

15 day of May

1902.

W. A. Wilson

NOTARY PUBLIC

File
7-D-317.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application for the enrollment of
Nellie Marjories, Manuel Marjories, Jr., and Fred Lee Marjories
as citizens by blood of the Choctaw Nation.

--: D E C I S I O N S :--

The applicants, Nellie Marjories, Manuel Marjories, Jr.
and Fred Lee Marjories, claim their right to enrollment as citizens
by blood of the Choctaw Nation through their mother Josephine
Marjories. The right of the applicants' mother, Josephine Marjor-
ies, to citizenship in the Choctaw Nation having been adversely
determined by a decree of the Choctaw and Chickasaw Citizenship
Court, June 29, 1904, in case No. 31 upon the Tishomingo docket of
said court, it is hereby ordered that the application of Nellie
Marjories, Manuel Marjories, Jr. and Fred Lee Marjories for enroll-
ment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.

Muskogee, Indian Territory,

SEP 10 1904

Enclosure 3-517

CCPV

Wahkiakum, Indian Territory, September 12, 1904.

Josephine Marjorie,

Adams, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated September 10, 1904, dismissing the application for the enrollment of Nellie Marjorie, Manuel Marjorie, Jr. and Fred Lee Marjorie as citizens by blood of the Choctaw Nation.

Respectfully,

Respected.

Incl. 7-D-517.

SIGNED

Tam Bixby.

Chairman.

Choctaw D. 527

COPY:

Waskagee, Indian Territory, September 12, 1904.

Garrett & Bingham,

Attorneys at Law,

Ardmore, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated September 10, 1904, dismissing the application for the enrollment of Nellie Marjories, Manuel Marjories, Jr. and Fred Lee Marjories as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED

Jame Bixby.
Chairman.

Registered.

Incl. 7-D-317.

COPY:

Chester D 317

Muskogee, Indian Territory, September 12, 1904,

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated September 10, 1904, dismissing the application for the enrollment of Nellie Marjories, Manuel Marjories, Jr., and Fred Lee Marjories as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

Jane Bixby
Chairman.

Incl. 7-D-317

COMMISSIONERS:
HENRY L. DAVIS,
THOMAS BIRBY,
THOMAS B. NEEDLES,
C. R. BROOKINGS

ALLISON AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muscogee, Indian Territory,

August 18th, 1900.

Josephine Majeries,

Ardmore, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Susie, Raymond, and Nellie Majeries as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Thomas Birby
Acting Chairman.

7-D-317.

Mustang, Indian Territory, October 2, 1906.

Garratt A. Bingham,

Attorneys at Law,

Adams, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 29th ultimo enclosing the application for enrollment as a citizen by blood of the Choctaw Nation of Manuel Majorison Jr., the infant son of Manuel and Josephine Majorison, born December 20th, 1899, and the same being in proper form has been duly filed with the records of this Commission and the child listed for enrollment as a doubtful claimant to citizenship in the Choctaw Nation.

Yours truly,

Acting Chairman.

7-D-217

7 B 247

Muskogee, Indian Territory, May 21, 1902.

Garrett A. Bingham,

Attorneys at Law,

Adams, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 19th instant enclosing the application for enrollment as a citizen of the Choctaw nation of Fred Lee Maifories, infant son of Manuel and Josephine Maifories, born May 4, 1902 and the same being in proper form has been duly filed with the records of the Commission as evidence of the birth of this child.

Yours truly,

Commissioner in Charge.

MEMORANDA.

all on e

(Date) *Dec 9 1899*

Name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

24 Wife's name, *Josephine Marion*

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

7 ✓ *Josephine Marion* County Year Page No.

5 ✓ *Raymond* County Year Page No.

2 x *Nellie* County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

Admitted to the State of Georgia Dec 15-97

Case No. 27 Raymond and Josephine

The name to be recorded by

the Court & properly certified to the

State residence of both of the said

children at the time of their birth

to the State of Georgia

8 Born Nov 21-1897

8311

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that my official oath as
stenographer and Interpreter of the said Commission that this
transcript is a true and correct translation of
my stenographic notes.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Josephine Marjories and children as
Choctaws; being sworn and examined by Com'r McKennon she states:

- Q What is your name? A Josephine Marjories.
- Q How old are you? A Twenty-eight.
- Q You are the identical person admitted by the United States
Court at Ardmore November 15th, 1897, in case #127, as Josephine
Marjories? A Yes sir.
- Q Now then you have one child here names Susie? A Yes sir.
- Q What is your other child's name that is intended to be admitted
here? A Raymond.
- Q You have only three children? A Yes sir.
- Q Another one, named what? A Nellie.
- Q There is one here, "Remos," have you any child named like that?
A No sir, his name is Raymond.
- Q What is the exact date of the birth of Nellie? A She was
born 21st of November, 1897.
- Q How old will she be next November? A I think she will be
about three years old, - or two.
- Q Will she be two or three years old in November next; was she
one year old or two years old last November? A She was one
year old last November.
- Q Where have you been living? A I have been living in Texas.
- Q When did you come from Texas to the Territory? A 5th of
June.
- Q Of what year? A Of this year. (1899)
- Q You moved to the Territory from Texas the 5th of June of this
year? A Yes sir.
- Q Never had lived here before? A No sir, this is my first.
- Q Neither you nor your children? A No sir.
-

Empty

2 5.8
Charles A. Woodard.

Record transferred to Choctaw
card #3462.

8 520
Naomi Walker.

Record transferred to Choctaw
card #5686.

Choc D321 Mary E. McFaddin

D321

N. 301
Mary E. McFadden

Jan 7 1902

REFUSED
GRANTED OCT 15 1904

See Petition #W-64

DISMISSED NOV

Mary E. McFadden transferred
to Christiana jacket to 300 Oct 2/04

RECORDED OCT 15 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR. FEB 28 1907.

RECEIVED
BUREAU OF LANDS
WASHINGTON

RECEIVED
BUREAU OF LANDS
WASHINGTON

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Willie O. McFadden and Samuel S. McFadden for enrollment as citizens of the Choctaw Nation or Tribe of Indians.

-----PETITION-----

Your petitioner, Mary E. McFadden, respectfully represents to the Honorable Commissioner to the Five Civilized Tribes that she is a duly enrolled citizen by intermarriage of the Choctaw Nation and makes this application for and on behalf of her minor children, Willie O. McFadden and Samuel S. McFadden, and states that said children are entitled to be enrolled as citizens of the Choctaw Nation or Tribe of Indians for the following reasons:-

Said Willie O. McFadden and Samuel S. McFadden were born respectively January 14th, 1894 and April 22nd, 1899 and are now living with their mother at their temporary home near Lexington, Cleveland County, Oklahoma Territory where they are in attendance on the public schools of the town of Lexington. That said Willie O. McFadden and Samuel S. McFadden are the children of your petitioner, Mary E. McFadden and her husband, T. J. McFadden, now deceased; That said Mary E. McFadden and Thomas J. McFadden were lawfully married at Paoli in the Chickasaw Nation on January 1st, 1892, and as a result of said marriage three children were born, two of whom are now living, to-wit: the said Willie O. McFadden and Samuel S. McFadden.

Your petitioner, Mary E. McFadden further represents that she is a duly enrolled and approved citizen of the Choctaw Nation by intermarriage, under Roll No. 1154 and has heretofore had lands allotted to her in the Chickasaw Nation on account of her said citizenship by intermarriage in the Choctaw Nation.

Your petitioner further states that on January 19th, 1885, she was lawfully married to John R. Wright, a recognized citizen by blood of the Choctaw Nation, by whom she had one child, John W. Wright, Roll No. 227: That by reason of her said marriage to said John R. Wright and on account of their having continuously lived together as husband and wife from the date of their said marriage until the date of the death of the said John R. Wright on December 8th, 1885, your petitioner became and was recognized and afterwards was enrolled as a citizen by intermarriage of the said Choctaw Nation, and after the death of the said John R. Wright and on January 1st, 1892 your petitioner Mary E. McFadden was lawfully married to T. J. McFadden, by whom she had three children, two now living, being the said Willie O. McFadden and Samuel S. McFadden, now living with your petitioner.

Your petitioner further states that at Durant, Indian Territory during the summer of 1899 and thereafter at Pauls Valley on the 21st day of October, 1902, your petitioner made due application to the Commission to The Five Civilized Tribes for the enrollment of her said minor children, Willie O. McFadden and Samuel S. McFadden, as will appear from the records of the Commission to the Five Civilized Tribes and the testimony taken at the places and on the dates mentioned, and to which records and testimony reference is hereby made and the same will be offered as evidence in support of the claims for citizenship of the said Willie O. McFadden and Samuel S. McFadden, children of your petitioner.

Your petitioner further states that the said Willie O. McFadden and Samuel S. McFadden, being the children of the said Mary E. McFadden, a duly enrolled and approved citizen by intermarriage of the Choctaw Nation, account of her former marriage to the said John R. Wright, a Choctaw Indian by blood, said Willie O. McFadden

and Samuel S. McFadden thereby became and are entitled under the laws and treaties and customs of the Choctaw Nation or Tribe of Indians to be enrolled as a citizens of the said Choctaw Nation or Tribe of Indians.

Your petitioner further states that she has caused to be served upon Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, a copy of this petition and attaches hereto an affidavit showing due service by registered mail of this petition.

Wherefore your petitioner prays that the said Commissioner to the Five Civilized Tribes enroll her said minor children, Willie O. McFadden and Samuel S. McFadden as citizens of the Choctaw Nation or Tribe of Indians and that they be given and accorded all the rights, privileges and immunities of citizens of said Choctaw Nation.

(Signed) Mary E. McFadden.

Indian Territory,)
) ss.
Southern District)

Mary E. McFadden on oath states that she has read all and singular, the statements contained in the foregoing petition for the enrollment as citizens of the Choctaw Nation of Willie O. McFadden and Samuel S. McFadden and that the same are true.

(Signed) Mary E. McFadden.

Subscribed and sworn to before me this 24 day of January, 1906.

(Signed) C. M. McClain,

(SEAL)

Notary Public, So Dis. Ind. Ter.

My Commission expires 6 April 1908.

United States of America,)
Indian Territory,) ss.
Southern Judicial District.)

Lon W. Hardwick, having been by me first duly sworn according to law, states upon his oath that he is over twenty-one years of age, and a resident of Purcell, Chickasaw Nation, Indian Territory and that on the 24th day of January A. D. 1906, he enclosed in an envelope addressed to Mansfield, McMurray & Cornish, at South McAlester, Indian Territory, a true copy of the above and foregoing petition; that he delivered the same to the post-master, at Purcell, Indian Territory and caused said envelope and the contents thereof, including a copy of said petition, to be registered to the said Mansfield, McMurray & Cornish, and obtained therefore a registry receipt which is hereto attached.

(Signed) Lon W. Hardwick.

Subscribed and sworn to before me this, the 24 day of January, 1906.

(Signed) C. M. McClain,

(SEAL)

Notary Public, So Dis. I. T.

My Commission expires 6 April 1908.

(Registry Receipt Attached.)

Indorbed:

Petition of Mary E. McFadden, in behalf of her minor children, Willie O. and Samuel S. McFadden, for enrollment as citizens of the Choctaw Nation or Tribes of Indians.

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Jan. 26, 1906.
Tams Bixby, Commissioner.

J. F. Sharp, Attorney for Petitioners.

7-D-321.
W-64.

O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Willie O. McFadden, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the census card record in this case that on August 15, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Willie O. and Samuel S. McFadden as citizens of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 26, 1906, by J. E. Sharp, attorney at law, Purcell, Indian Territory, a petition verified by Mary E. McFadden, praying for the enrollment of her two minor children, Willie O. and Samuel S. McFadden, as citizens of the Choctaw Nation.

The applicants herein claim their right to enrollment as citizens of the Choctaw Nation by reason of being the children of Mary E. McFadden, a recognized and enrolled citizen by intermarriage of the Choctaw Nation, whose name appears as number 1151 upon the final roll of citizens by intermarriage of said nation approved by the Secretary of the Interior November 16, 1904, and T. J. McFadden, a non-citizen white man.

I am, therefore, of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, the application and petition for the enrollment of Willie O. McFadden and Samuel S. McFadden as citizens of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

JAN 16 1907

7-D-321.
W-64.

COPY.

Muskogee, Indian Territory, January 16, 1907.

Mary E. McFadden,
Lexington, Oklahoma.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application and petition for the enrollment of Willie O. McFadden and Samuel S. McFadden as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

RECEIVED *James Bixby*

Commissioner.

Registered.

Incl. 7-D-321.
W-64.

7-D-321.

COPY.

Muskogee, Indian Territory, January 16, 1907.

J. F. Sharp,

Attorney,

Purcell, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application and petition for the enrollment of Willie O. McFadden and Samuel S. McFadden as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

Incl. 7-D-321.

W-64.

Registered.

COPY.

Muskogee, Indian Territory, January 16, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nation.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 16, 1907, denying the application and petition for the enrollment of Willie O. McFadden and Samuel S. McFadden as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamo E. E. E.*

Commissioner.

Incl. 7-D-321.

W-64.

COPY.

Muskogee, Indian Territory, January 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application and petition for the enrollment of Willie O. McFadden and Samuel C. McFadden as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 16, 1907, denying said application.

Respectfully,

SIGNED *Jane Bixby*

Commissioner.

Incl. 7-D-321.

W-64.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

February 28, 1907.

I.T.D.

4856, 4876, 4882, 4884, 4886-07.

4972, 4978, 4986, 4992, 5002- "

5008, 5014, 5094, 5109, 5112- "

5122, 5096, - "

LRS.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed, viz:

Title of Case.	Date of your letter of transmittal.
Merrill and Elizabeth Jackson (Freedmen),	February 2, 1907.
Teddy Boon Brown,	January 10, 1907.
Clarence R. Pickens,	January 9, 1907.
Dallas Edgar Betts,	November 28, 1906.
Dottie May Brimage,	November 28, 1906.
Cicero Henry Bernard,	December 21, 1906.
James Jackson,	November 8, 1906.
Charles M. Avery (Intermarried),	January 16, 1907.
Lewis Sledge,	January 9, 1907.
Dick Woodall, et al.,	January 26, 1907.
Willie O. and Samuel S. McFadden,	January 16, 1907.
Ernest L. Worthy, et al.,	December 1, 1906.
Frank Wise, et al.,	January 30, 1907.
Matty Dell Louis McCarty,	January 16, 1907.
Willis Edmond Segroves,	January 23, 1907.
Jack Fulton,	December 21, 1906.
Larence Shoals, (freedman),	February 9, 1907.

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed.

A copy hereof and all the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

17 inc. and
34 for Ind. Of.

AFHO.
3-1-07.

Land
6930-1907.

--Copy--

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 16, 1907, transmitting the record relative to the application made on August 15, 1899 and January 2, 1906, for the enrollment of Willie O. McFadden and Samuel S. McFadden as citizens of the Choctaw Nation. On January 16, 1907, the Commissioner held that the applicants were not entitled to enrollment.

The record shows that the applicants claim their right to enrollment by reason of being the children of Mary E. McFadden a citizen by intermarriage of the Choctaw Nation, and T. J. McFadden a non-citizen.

Under the provisions of the Act of June 21, 1906 (34 Stat. L. 325), the applicant is not entitled to enrollment.

It is therefore recommended that the decision of the Commissioner adverse to the applicants be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

J.P.B. -NL

7-D-321

W-64

Muskogee, Indian Territory, April 16, 1907.

Mary E. McPadden,

Lexington, Oklahoma,

Dear Madam:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 16, 1907, denying the application and petition for the enrollment of Willie O. McPadden and Samuel S. McPadden as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-321

W-64

Muskogee, Indian Territory, April 16, 1907.

J. W. Sharp

Attorney at Law,

Purcell Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 16, 1907, denying the application and petition for the enrollment of Willie O. McFadden and Samuel S. McFadden as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, April 16, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 16, 1907, denying the application and petition for the enrollment of Willie O. McFadden and Samuel S. McFadden as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Willie O. McFadden, Guy McFadden and Samuel S. McFadden as citizens of the Choctaw Nation, Choctaw Field No. D-321.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al., vs. Choctaw and Chickasaw Nations, No. 37 on the South McAlester Docket, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, can confer rights of citizenship upon white husbands or wives whom they may remarry and upon their white children by them, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

Ja nuary 23, 1904.

7-D-321

Muskogee, Indian Territory, November 30, 1906.

Mary E. McFadden,

Lexington, Oklahoma Territory,

Dear Madam:

You are hereby advised that it appearing from the records of this office that your son, Guy McFadden died prior to September 25, 1902, the Commissioner to the Five Civilized Tribes, on November 27, 1906, dismissed the application for his enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

70327
INDEXED

IN RE
THE DEATH OF

Guy McFadden
a citizen of the
Choctaw Nation.

Approved

OCT 19 1902

1

C. H. Buckinridge
Commissioner.

As of the
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 29 1902

LOSTAW.

R. 501

It appearing from the within
affidavits that Guy McFadden
died prior to September 25, 1902,
it is hereby ordered that the
application for his enrollment
as a citizen of the Choctaw
Nation be dismissed.



Commissioner.

Muskogee, Indian Territory,

NOV 27 1906

Territory of Oklahoma,
County of Cleveland, SS.

I George P. Johnson, on oath state that I am years of
age, and a citizen of the United States, that my Post office address
is Lexington, Cleveland County Oklahoma, that I was personally acq-
uainted with Guy McFadden, and that said Guy McFadden, died on
the 15th, day of July 1901.

Geo P Johnson

Subscribed and sworn to before me this 24th, day of October 1902.

Neal Smith,
Notary Public.

My Commission Expires July 22nd, 1903.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *Guy M Fadden*
(Here insert name of deceased)
 a citizen of the *Choctaw* Nation, who formerly resided at or near
Lexington, Okla, ~~Ind.~~ Ter., and died on the *15* day of *July*,
(Here insert name of post office)
1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,

Southern

District.

I, *Mary E. M Fadden* on oath state that I am *41*
 years of age and a citizen, by *marriage*, of the *Choctaw* Nation;
 that my post office address is *Lexington Okla*, ~~Ind.~~ Ter.; that I am
mother of *Guy M Fadden*
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased)

who was a citizen, by *Guy M Fadden* of the *Choctaw* Nation;
 and that said *Guy M Fadden* died on the *15* day of
July, *1901*.
(Here insert name of deceased.)
Mary E M Fadden
 WITNESSES TO MARK.

(Must be Two Witnesses.)

Subscribed and sworn to before me this *21* day of *October*, *1902*.
C S Hamer
 Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,

Territory of Oklahoma, County of Cleveland District.

I, *Amelia Exleton*, on oath state that I am *39*
 years of age, and a citizen, by *United States* of the *United States* Nation;
 that my post office address is *Lexington Oklahoma*, ~~Ind.~~ Ter.;
 that I was personally acquainted with *Guy M Fadden*,
(Here insert name of deceased)
 who was a citizen, by *Guy M Fadden* of the *Choctaw* Nation;
 and that said *Guy M Fadden* died on the *15* day of
July, *1901*.
(Here insert name of deceased.)
Amelia Exleton
 WITNESSES TO MARK.

(Must be Two Witnesses.)

Subscribed and sworn to before me this *24* day of *October*, *1902*.
Neal Smith
 Notary Public.

My com 24 July 22 1903.

REFER IN REPLY TO THE FOLLOWING:

Land.
6930-1907

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 16, 1907, transmitting the record relative to the application made on August 15, 1899 and January 2, 1906, for the enrollment of Willie O. McFadden and Samuel S. McFadden as citizens of the Choctaw Nation. On January 16, 1907 the Commissioner held that the applicants were not entitled to enrollment.

The record shows that the applicants claim their right to enrollment by reason of being the children of Mary F. McFadden, a citizen by intermarriage of the Choctaw Nation, and T.J. McFadden a non-citizen.

Under the provisions of the Act of June 21, 1906 (34 Stat. L. 325), the applicant is not entitled to enrollment.

It is therefore recommended that the decision of the Commissioner adverse to the applicants be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

J.P.B. - NL

Choc D 322 Gideon Gardner

Died Prior to Sept 25/1902

D322

MEMORANDA.

(Date) 1915 1899.

Name Edwin Williams

Choctaw? Yes County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship us

Intermarried citizen? Yes

Married under what law? _____

License filed this day, _____

Wife's name, _____

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? _____

Married under what law? _____

License filed this day _____

Names of children:

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

As to marriage with _____

Choc - "D-322"

Commission to the Five Civilized Tribes,
Durant, Indian Territory.

In the enrollment of Gideon Gardner as an intermarried Choctaw being sworn and examined by Com'r McKennon he testifies:

- Q What is your name? A Gideon Gardner
- Q How old are you? A Fifty
- Q You present here a certified copy of a marriage certificate between yourself and Miss Frances Harris, dated April 23rd, 1874, was she a Choctaw or a Chickasaw? A She was Choctaw.
- Q You were married to her were you? A Yes sir
- Q Is she living? A No sir
- Q Did you live with her until she died? A Yes sir.
- Q You know when she died? A She died in 1882.
- Q Then you here present another marriage certificate dated December 5th 1883, in which you were married to Mary E. Nichols?
- A Yes sir
- Q This was a white woman? A Yes sir
- Q Non-citizen? A Yes sir
- Q Have you been living in the Chickasaw Nation all the while since your first marriage? A In the Chickasaw and Choctaw Nation together all the while.
-

Department of the Interior,
Commission to the Five Civilized Tribes
I hereby certify that the foregoing is a true and correct translation of
the original in the Choctaw and Chickasaw languages and that this
is a true and correct translation of
my stenographic notes. J. H. H. H. H.

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 8, 1902.

In the matter of the application
of Edison Gardner for enrollment as
a citizen by intermarriage of the
Cherokee Nation.

D-322.

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Cherokee and Chickasaw Nations were also notified by registered mail that the application of Edison Gardner would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 8th day of April, 1902, for final consideration.

Now on this 8th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Cherokee Nation failed to appear, and the applicant being called, also failed to appear, either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 8th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 10 day of April, 1902.

Hal Belford
Harry P. Bell
Notary Public

Choctaw D-322

Muskogee, Indian Territory, March 1st, 1902.

Gideon Gardner,

Durant, Indian Territory.

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 8th day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes,
Register.

Commissioner in Charge.

Marriage Certificate of Gideon
Gardner & Frances Harris.

Be it known that I, Saml.
Love, Circuit Judge of the
A. H. H. Nation

have this day joined together
Gideon Gardner & Miss Frances
Harris in the Holy Bonds of
matrimony. Given under my hand
this 23rd day of April. A.D. 1894

Attest
W. Gilbert.
Clerk.

Saml. Love.
Circuit Judge, A. H. N.

I hereby certify that the above is a
true & a correct copy of the marriage
certificate of Gideon Gardner &
Miss Frances Harris which is on record
in my office.

Given under my hand & seal
of Office this 5 day of Dec 1894

J. C. Harper, Clerk of
Court, County, A. H. N.

This the 5 day of December 1883.

I J. J. Gardner do certify
that I married G. B. Gardner to Mary E. Nichols
in Blue County Choctaw Nation on the date and
date above named

J. J. Gardner L. S.

Recorded Jan. 19, 1884

Wm Gardner

Clear K

Recorded on Page 462.

This certifies that the above is a true
record of the marriage of G. B. Gardner to Mary E. Nichols
and this is a true copy

Copied this 7 day of Nov. 1898.

C. W. James

County and Probate Clerk
Blue County C. W.

IN RE
THE DEATH OF

Gideon Gardner

a citizen of the

Choctaw

Nation.

Approved

190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV.

1904

[Signature]
CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Gideon Gardner
(Here insert name of deceased.)
a citizen of the Choctaw Nation, who formerly resided at or near
Durant Ind. Ter., and died on the 4th day of
September, 1902
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Central DISTRICT.

I, Mary E. Gardner, on oath state that I am 56
years of age and a citizen, by marriage of the Choctaw Nation;
that my postoffice address is Di, Ind. Ter.; that I am
wife of Gideon Gardner,
(Specify relationship as: the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by marriage of the Choctaw Nation;
and that said Gideon Gardner died on the 4th day of
September, 1902
(Here insert name of deceased.)

WITNESSES TO MARK signature

(Must be Two Witnesses.) { J. H. Nichols
W. H. Hatten

Subscribed and sworn to before me this 14th day of November, 1904

My commission expires Apr. 5, 1908

E. J. Eddy Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Central DISTRICT.

I, W. H. Hatten, on oath state that I am 36
years of age, and a citizen by Di of the United States Nation;
that my postoffice address is Di Ind. Ter.;
that I was personally acquainted with Gideon Gardner,
(Here insert name of deceased.)
who was a citizen, by marriage of the Choctaw Nation Nation;
and that said Gideon Gardner died on the 4th day of
September, 1902 W. H. Hatten,
(Here insert name of deceased.)

WITNESSES TO MARK :

(Must be Two Witnesses.) {

Subscribed and sworn to before me this 14th day of November, 1904

My commission expires Apr. 5, 1908

E. J. Eddy Notary Public.

Muscogee, Indian Territory,

August 18th, 1900.

Gideon Gardner,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-322.

Muskogee, Indian Territory, September 17, 1900.

Gideon Gardner,

Durant, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 4th instant in regard to the protest to your enrollment as an inter-married citizen of the Choctaw Nation by the representatives of that Nation. You request to be informed on what grounds this protest has been filed and as to what further action it will be necessary for you to take.

You are informed that the Commission cannot at this time go into the merits of the cases in which the Choctaw Nation has filed protest. Up to this time we are only in possession of a general protest filed by the Choctaw and Chickasaw Nations to the final enrollment of a number of parties whose rights have been considered doubtful up to this time. The Commission, however, in justice to the parties against whose enrollment protest has been made, has notified them of the filing of such protest and has also required of the representatives of the Choctaw Nation that they prior to October 31st, 1900, serve notice upon such applicants, stating therein the grounds upon which objection is made to their enrollment. You will no doubt be furnished with such protest and can then determine what additional testimony will be required.

Yours truly,

In reply please
refer to 7-2-122

Acting Chairman.

Muskogee, Indian Territory, November 13, 1900.

Gideon Gardner,

Durant, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 8th instant in the matter of the protest filed by the representatives of the Choctaw Nation as to your enrollment as a citizen by intermarriage of that Nation.

You now desire to be informed as to the objection that is made by the representatives of the Choctaw Nation to your enrollment.

As the Commission informed you on September 17th, you would be notified by the representatives of the Nation as to the grounds upon which objection was made to your enrollment. The Commission granted the attorneys for the Choctaw Nation until November 10th, 1900, in which to serve such notices and we have no doubt that you have by this time been notified as to the grounds upon which objection is made to your rights to enrollment as a citizen by intermarriage of the Choctaw Nation.

It appears from your testimony that you were married in 1874 to Miss Frances Harris, a Choctaw Indian and lived with her until her death in 1882 and that subsequently thereto on September 5th, 1883, you were married to Mary C. Nichols, a white woman having no rights to Choctaw citizenship by blood.

It is presumed by the Commission that the objection which

0 0 2

the Choctaw Nation is offering to your enrollment is that you have married out of the Nation and thereby forfeited your rights as an intermarried citizen.

You will be allowed to offer any additional testimony that you desire in support of your application at the Commission's session in Atoka, beginning December 3rd and also to submit written arguments on questions of law provided the same is submitted to the Commission prior to March 1st, 1901.

Yours truly,

Acting Chairman.

7-D-322

Mustang, Indian Territory, January 4, 1901.

Johnson & Horton,

Mustang, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 2nd instant, in which you state that Gideon Gardner, Gabriel Marion Davis and Henry C. Patton, who were notified to appear before the Commission at Atoka, Indian Territory, December 3rd, 1900, desire to make statements in their cases and if possible prefer to do so by affidavits. If affidavits can not be accepted, they desire to appear before the Commission at Atoka.

You are informed that an opportunity was given these people to offer any additional testimony that they may desire in support of their applications for enrollment as citizens of the Choctaw and Chickasaw Nation, at Atoka, Indian Territory from December 3rd to 12th, 1900, and the Commission cannot now accept written evidence as to their rights to enrollment but will at any time, at the office of the Commission in Muskogee, Indian Territory, hear the evidence of any witnesses they may desire to present before the Commission, proper notice of the taking of such testimony to be given to the attorneys for the Choctaw and Chickasaw Nations.

Yours truly,

Acting Chairman.

7-2-322
8-2-322
9-2-123

C O P Y.

Muskogee, Indian Territory, March 1st, 1902.

Gideon Gardner,

Durant, Indian Territory.

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 8th day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

Register.

Commissioner in Charge.

Chectaw D 322

Muskogee, Indian Territory, April 14, 1902.

Gideon Gardner,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, stating that you did not appear before the Commission on the 8th instant, as you had no further proof to offer in the matter of your application for enrollment as a citizen by intermarriage of the Chectaw Nation, and were not notified that the Attorneys for the Chectaw Nation desired to introduce further evidence.

You are advised that when a decision is rendered by the Commission in the matter of your application for enrollment as a citizen of the Chickasaw Nation by intermarriage, you will be duly notified of the same.

Yours truly,

Acting Chairman.

Cheetaw D-322

Muskogee, Indian Territory, February 26, 1903.

Gideon Gardner,

Durant, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903.

The Act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Muskogee, Indian Territory, August 15, 1904.

Gideon Gardner,

Durant, Indian Territory,

Dear Sir:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully, |

Commissioner in Charge.

Muskogee, Indian Territory, October 13, 1904.

Gideon Gardner,

Durant, Indian Territory,

Dear Sir:-

In reference to your application for enrollment as a citizen by intermarriage of the Choctaw Nation, you are again notified that before your application can be finally passed upon, it will be necessary for you to appear in person before the Commission at its office in Muskogee, Indian Territory, to testify as to your intermarried status on September 25, 1902.

You should give this matter your prompt attention as no further action can be taken in the matter of your application for enrollment until the desired testimony is furnished.

respectfully,

Commissioner in Charge .

Muskogee, Indian Territory, November 4, 1904.

Mary E. Gardner,

Ti, Indian Territory

Dear Madam:-

Receipt is hereby acknowledged of your letter of October 31, 1904, in which you state that your husband Gideon Gardner died September 4, 1902, and you wish to be advised if you cannot select his allotment, and if so what steps are necessary to take in the matter.

In reply to your letter you are advised that it does not appear from our records that proper evidence of the death of your husband has been filed with the record in his case. For the purpose of making his death a matter of record there is enclosed herewith blank form for proof of death. In having the same executed be careful to see that all blanks are properly filled, all names written in full, and the Notary Public before whom the affidavits are acknowledged affixes his name and seal to each affidavit. Signatures by mark must be attested by two witnesses.

There is also enclosed herewith envelope for return of this affidavit and you are requested to return this proof of death as early as practicable.

Respectfully,

Env. D. C.

Chairman.

7-D-328

Muskogee, Indian Territory, November 16, 1904.

Mary E. Gardner,

Ti, Indian Territory.

Dear Madam:-

Receipt is hereby acknowledged of your affidavit and that of W. A. Hatter relative to the death of your husband, and applicant for enrollment as an intermarried citizen of the Choctaw Nation, which occurred September 4, 1902, and the same has been duly filed with the records of the Commission as evidence of death of said person.

Respectfully,

Chairman.

7-D-322.

Muskogee, Indian Territory, June 2, 1905.

Robert M. Gardner,

Id. Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 16, in which you state that application was made for the enrollment of David and Emma Gardner, children of Gideon J. Gardner, an intermarried citizen of the Choctaw Nation in 1896 or 1897, by the father, Gideon J. Gardner, through W. A. Durant.

In reply to your letter you are advised that it does not appear from our records that application has been made to this Commission for the enrollment of David and Emma Gardner, children of Gideon J. Gardner, as citizens of the Choctaw Nation, and under the provisions of the act of Congress approved July 1, 1902, the Commission is not authorized to receive or consider original applications for enrollment in the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

D323

11 1883
John Brown

PRINTED.
and transferred
to the
MAY 15 1885

Choctaw 2324

Thomas A Kinghorn

Transferred to 7-5887

Feb. 27. 1907

D. 325

Eugene R. Benson.

Record transferred to Chortaw
card #5672.

CHOCOTAW D 326

Lula Henderson

Record transferred to

CHOCOTAW.

5831

D 327

Nathaniel W Smith

Record transferred to Choctaw
card #8651

CHOCTAW D. 328

Granville G. Lile

Transferred to Choctaw
3488 Jan. 30 - 1905

CHOCTAW D 329
Eula H. Wagner.

*Record transferred to
Choctaw card # 114.*

CHOCTAW D

330

Bessie Mitchell

Transferred to #208.

8 331

Jno. C. Garbrough.

Record transferred to Choctaw
card #3060

8 332

James Yarbrough.

Record transferred to Choctaw
card # 3518.

8333

Richard P. Mc Kinney

Record transferred to Choctaw
card #3529

Choc D334 Sarah E. Turner

D334

CHOCTAW

A. 331

Sarah E. Turner et al

1904

USED

JUN 21 1904

DECISION FORWARDED

FOR CHOCTAW AND

NATIONS

JUN 21 1904

DECISION FORWARDED
FOR APPLICANT

JUN 21 1904

DECISION FORWARDED

APPLICANT

*Sarah E. Turner transferred
to Choctaw jacket #5828
Oct. 31, 1904.*

ACTION APPROVED BY
SECRETARY OF INTERIOR.

FEB 20 1907

NOTICE OF ENVIRONMENTAL
ACTION MADE APPLICANT.

APR 17 1907

Washkosee, Indian Territory, October 18, 1902.

Jesse M. Hatchett,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 27, 1902, enclosing the application for enrollment as a citizen of the Choctaw Nation of Jessie Joe Turner, minor daughter of J.C. and Sarah E. Turner, born July 13, 1898.

It appears from our records that on August 17, 1899, Sarah E. Turner, 35 years of age, of Durant, Indian Territory, was listed for enrollment upon a doubtful card as an intermarried citizen of the Choctaw Nation. You are requested to state the reason why application was not made at the same time for the enrollment of the above named child.

It further appears that Jessie Joe Turner is the daughter of white parents, and her right to enrollment will depend upon the right of the mother to final enrollment, which has not yet been passed upon by the Commission.

The application being in proper form has been duly filed

Muskogee, Indian Territory, September 15, 1903.

Hatchett & Hatchett,
Attorneys at Law,
Durant, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 5th instant, requesting to be advised as to the status of the citizenship in either the Choctaw or Chickasaw Nation of Jessie Joe Turner of Durant, Indian Territory.

You are informed it appears from our records that Sarah E. Turner and her child, Jessie Joe Turner, of Durant, Indian Territory, have been listed among the doubtful claimants to enrollment as citizens of the Choctaw Nation and that their final right to such enrollment has not yet been determined. As soon as a decision has been reached in this case Sarah E. Turner will be duly notified of the action taken by the Commission therein.

Respectfully,

Chairman.

Chootaw D 334

Muskogee, Indian Territory, February 11, 1904.

Sarah E. Turner,

Durant, Indian Territory,

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Chootaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of your minor child, Jessie Joe Turner, as a citizen of the Chootaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw D 334

Muskogee, Indian Territory, March 16, 1905.

Mrs. S. E. Turner,

Wade, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of March 16, asking if your child, Jessie Joe Turner, has been approved.

In reply to your letter you are advised that the Commission has not yet passed upon the application for the enrollment of Jessie Joe Turner as a citizen of the Choctaw Nation, but when a decision is reached you will be notified of the action taken therein.

Respectfully,

Chairman.

Muskogee, Indian Territory, July 14, 1905.

Sarah E. Turner,

Wade, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 7, 1905, asking the status of the application of your child Jessie Joe Turner for enrollment as a citizen of the Choctaw Nation and if the protest filed by the attorneys for the Choctaw and Chickasaw Nations is still pending.

In reply to your letter you are advised that the protest of the attorneys for the Choctaw and Chickasaw Nations against the enrollment of your child Jessie Joe Turner as a citizen of the Choctaw Nation has been over ruled by the Secretary of the Interior but the question of the right to enrollment of children of intermarried citizens by non citizen spouses is now pending before the Department and no action has been taken relative to the application for the enrollment of your child.

Respectfully,

Commissioner.

Muskogee, Indian Territory, June 11, 1906.

John C. Turner,
Care of Connell & Deek,
Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 30, 1906, asking the status of the application for the enrollment of Jessie Joe Turner, child of Sarah E. Turner a citizen by intermarriage of the Choctaw Nation. You state that you are at a loss how to proceed under the act of Congress approved April 26, 1906.

In reply to your letter you are advised that the application for the enrollment of your child Jessie Joe Turner is still pending before this office but in accordance with the views of the Attorney General recently expressed white children of intermarried citizens of the Choctaw and Chickasaw Nations are not entitled to enrollment and allotment in said nations.

Respectfully,

Commissioner.

7-D-334

Maskoges, Indian Territory, June 28, 1906.

Sarah E. Turner,

Wade, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the affidavits of J. F. Park, J. C. Turner and Mary Lane to the birth of Jessie Joe Turner, daughter of J. C. and Sarah E. Turner, July 12, 1898.

You are advised that on June 19, 1906, the Commissioner to the Five Civilized Tribes rendered his decision refusing the application of Jessie Joe Turner for enrollment as a citizen of the Choctaw Nation, and the record in this case was, on the same date, transmitted to the Secretary of the Interior.

You will be notified of such action as is taken in this case.

Respectfully,

Commissioner.

D. C. 11780-1907.

JF.

DEPARTMENT OF THE INTERIOR,

FILE.

WASHINGTON.

I.T.D. 2632, 2672, 2740, 2900, 2964-1907.

3196, 3204, 3326, 3374, 3384, "
3394, 3412, 3446, 3480, 3484, "
3482, 3520, 3544, 3584, 3600, "
3648, 3670, 3672, 3682, 3682, "
3800, 3804, 3812, 3822, 4040, "
4084, 4112, 4116, 4148, 4194, "
4200, 4220, 4228, 4240, 4242, "
4254, 4294, 4310, 4312, "

February 26, 1907.

L.R.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions on the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.

Date of your
letter of transmittal.

Joseph E. Collins,
James B. Barnes, et al.,
Fannie W. Falconer, et al.,
Jessie Joe Turner,
Thomas Woods,
Lieta Benson,
Amy W. Hancock, et al.,
Daisy Oreckett Coleman, et al.,
Harry Guion
Lucinda W. Henks, et al.,
Agnes Irene Coleman, et al.,
Lillie May Pate, et al.,
Bertha Ann Ferguson,
Devie Adeline Goforth,
Andrew J. Ollar, et al.,
Nellie C. Blakely, et al.,

June 19, 1906.
June 19, 1906.
June 19, 1906.
June 19, 1906.
December 19, 1906.
November 6, 1906.
November 16, 1906.
September 28, 1906.
October 2, 1906.
November 13, 1906.
December 20, 1906.
December 20, 1906.
December 20, 1906.
December 20, 1906.
November 18, 1906.
November 14, 1906.

Title of Case.	Date of your letter of transmittal.
Overten Martin Bonds, et al.,	January 14, 1907.
John Lee Hunt	December 20, 1906.
Kathleen Lockett	January 12, 1907.
Thomas Randolph Hamlin	December 20, 1906.
Manie Demagen	January 12, 1907.
William A. Gardner,	December 20, 1906.
Sophia C. Harris, et al.,	December 20, 1906.
Jesse Monroe Jones,	January 12, 1907.
Bertie Cotton, et al.,	October 4, 1906.
Maggie Irene Stalcup	November 22, 1906.
L. Everett Parke, et al.,	November 22, 1906.
Ella Florence Cochran	October 2, 1906.
Cleo Irene Cummings, et al.,	December 25, 1906.
Tilden J. Smith,	November 21, 1906.
Jewell Merryman,	November 21, 1906.
Jim Costlow, et al.,	December 21, 1906.
Lettie May Hickman, et al.,	December 24, 1906.
Rue Colbert, et al.,	December 21, 1906.
Matilda Florence	June 20, 1906.
Mary Jane Falsen, et al.,	June 18, 1906.
Lee Keck, et al.,	October 20, 1906.
Magnolia Thompson,	November 21, 1906.
John Hardy Sterling, et al.,	November 23, 1906.
James Maberry Morse Jr.,	January 16, 1907.
James G. Shaw,	November 21, 1906.
Sallie Engleman, et al.,	January 16, 1907.
Fannie Pearl Beagles, et al.,	December 21, 1906.
Thomas A. Fitzgerald (Jr)	December 21, 1906.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

44 inc. and
92 for Ind. Of.

A. T. Ws.
1-14-07.

(COPY)

Land.
52794-1906
96979- "

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS,
WASHINGTON/

February 11, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of July 10, 1906 (I.T.D. 2543), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated November 1, 1906, transmitting the record relative to the application of Jesse Joe Turner for enrollment as a citizen by blood of the Choctaw Nation. As the original of the letter from the Commissioner has been mislaid, the copy is enclosed.

On October 13, 1902, application was made to the Commission to the Five Civilized Tribes for the enrollment of Jesse Joe Turner as a citizen by blood.

On June 19, 1906, the Commissioner held that the applicant was not entitled to such enrollment.

The record shows that the applicant is the son of J. C. Turner, a non-citizen, and Sarah E. Turner, a white woman, identified at No. 1180 on a list of citizens by intermarriage of the Choctaw Nation approved by the Department on November 16, 1904.

In view of the decision of the Department of July, 10, 1906,

-2-

the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD-Y

D. C. 11790-1907.

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FILE.

I.T.D. 2632, 2672, 2740, 2960, 3264-1907.

3296, 3304, 3336, 3374, 3384, "

3394, 3416, 3448, 3480, 3496, "

3482, 3550, 3548, 3584, 3600, "

3668, 3670, 3672, 3682, 3682, "

L.R.N. 3880, 3894, 3912, 3962, 4042, "

4054, 4112, 4116, 4148, 4194, "

4200, 4230, 4238, 4240, 4242, "

4284, 4294, 4310, 4312, "

February 28, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions on the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.

Date of your
letter of transmittal.

Joseph E. Collins,
James B. Barnes, et al.,
Fannie W. Falconer, et al.,
Jessie Joe Turner,
Thomas Woods,
Lieta Benson,
Amy M. Hamecek, et al.,
Daisy Crockett Coleman, et al.,
Harry Guion
Lucinda M. Monks, et al.,
Agnes Irene Coleman, et al.,
Lillie May Pate, et al.,
Rutha Ann Ferguson,
Devie Adline Geferth,
Andrew J. Ollar, et al.,
Wallie C. Blakely, et al.,

June 19, 1906.
June 19, 1906.
June 19, 1906.
June 19, 1906.
December 19, 1906.
November 6, 1906.
November 16, 1906.
September 28, 1906.
October 2, 1906.
November 13, 1906.
December 20, 1906.
December 20, 1906.
December 20, 1906.
December 20, 1906.
November 16, 1906.
November 14, 1906.

Title of Case.	Date of your letter of transmittal.
Overton Martin Bonds, et al.,	January 14, 1907.
John Lee Hunt	December 20, 1906.
Kathleen Lockett	January 12, 1907.
Thomas Rudolph Hardin	December 20, 1906.
Marie Demagen	January 12, 1907.
William A. Gardner,	December 20, 1906.
Sophia C. Harris, et al.,	December 20, 1906.
Jesse Monroe Jones,	January 12, 1907.
Bertie Cotton, et al.,	October 4, 1906.
Vaggie Irene Stalcup	November 22, 1906.
L. Everett Parks, et al.,	November 22, 1906.
Kila Florence Cochran	October 2, 1906.
Cleo Irene Cummings, et al.,	December 20, 1906.
Tilden J. Smith,	November 21, 1906.
Jewell Merryman,	November 21, 1906.
Jim Costello, et al.,	December 21, 1906.
Lettie May Hickman, et al.,	December 24, 1906.
Rae Collier, et al.,	December 21, 1906.
Matilda Florence	June 20, 1906.
Mary Jane Pulson, et al.,	June 18, 1906.
Lee Neek, et al.,	October 20, 1906.
Magnolia Thompson,	November 21, 1906.
John Hardy Sterling, et al.,	November 23, 1906.
James Vaberry Morse Jr.,	January 16, 1907.
James G. Shaw,	November 21, 1906.
Sallie Engleman, et al.,	January 16, 1907.
Fannie Pearl Beagles, et al.,	December 21, 1906.
Thomas A. Fitzgerald (Jr)	December 21, 1906.

A copy heresof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse H. Wilson,

Assistant Secretary.

44 inc. and
92 for Ind. Of.

A. P. No.
2-27-07.

(COPY)

Land.
52794-1906
96979- "

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS,
WASHINGTON/

February 11, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of July 10, 1906 (I.T.D. 2548), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated November 1, 1906, transmitting the record relative to the application of Jesse Joe Turner for enrollment as a citizen by blood of the Choctaw Nation. As the original of the letter from the Commissioner has been mislaid, the copy is enclosed.

On October 13, 1902, application was made to the Commission to the Five Civilized Tribes for the enrollment of Jesse Joe Turner as a citizen by blood.

On June 19, 1906, the Commissioner held that the applicant was not entitled to such enrollment.

The record shows that the applicant is the son of J. C. Turner, a non-citizen, and Sarah E. Turner, a white woman, identified at No. 1180 on a list of citizens by intermarriage of the Choctaw Nation approved by the Department on November 16, 1904.

In view of the decision of the Department of July, 10, 1906,

-2-

the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD-Y

7-D-334

Muskogee, Indian Territory, April 17, 1907.

Sarah E. Turner,

Wade, Indian Territory.

Dear Madam:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 19, 1907, denying the application for the enrollment of Jessie Joe Turner as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-334

Muskogee, Indian Territory, April 17, 1907.

Manoffield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of June 19, 1906, denying the application for the enrollment of Jessie Joe Turner as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

2

DEPT. OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

JUN 25 1906

UNITED STATES OF AMERICA,

Indian Territory,

Central District.

— AFFIDAVIT. —

Mrs. Mary Lane of near Durant, Indian Territory, being duly sworn on her oath states that, she is the sister of Mrs. Sarah E. Turner, now deceased, mother of Jessie Joe Turner, a minor, and that she was present at the home of the said Sarah E. Turner, deceased on 12th. day of July 1898 at which time there was born to her, the said Sarah E. Turner, wife of J. C. Turner, a female child; that said child was living on the 4th. day of March, 1908, and is named Jessie Joe.

Mary Lane

Subscribed and sworn to before me this 11th. day of -
June, A. D. 1908.

J. V. Connell

Notary Public.

U.S. DEPT. OF THE INTERIOR

JUN 25 1906

UNITED STATES OF AMERICA,

Indian Territory,

CENTRAL DISTRICT.

-e- -- AFFIDAVIT.-e-

J. C. Turner of lawful age being by me first duly sworn on his oath says that his name is J. C. Turner, that he is forty two years old, that he is the father of Jessie Joe Turner, a minor, and that he was the husband of Mrs. Sarah E. Turner in her life time; that the Sarah E. Turner died near Durant Indian Territory on the 29th. day of April, 1906; that the said Sarah E. Turner was a citizen of the Choctaw Nation of the Indian Territory by intermarriage, that on the 12th. day of July, 1898 the said Jessie Joe Turner, a minor, was born to the said Sarah E. Turner, now deceased; that said Jessie Joe Turner is a female child and was living on the 4th. day of March, A. D. 1906.

J. C. Turner
Subscribed and sworn to before me this 11th. day of June,

A. D. 1906.

J. H. Carroll
Notary Public.

NEW BORN

IN RE

Application for Enrollment of

INFANT CHILD

Jessie Jos Turner

as a

of

CHOCTAW

Nation.

Approved

190

1

Commissioner.

Born July 12, 1898

ACT OF CONGRESS APPROVED APRIL 26, 1906

DEPARTMENT OF THE INTERIOR
COMMISSIONER

JUN 25 1906

CHOCTAW

RECEIVED
JUN 12 1906

DEPARTMENT OF THE INTERIOR

Commissioner to the Five Civilized Tribes

IN RE APPLICATION FOR ALLOTMENT, as a ^{an intermarried citizen} minor of of the Choctaw Nation
 of Jessie Joe Turner born on the 12th day of July, 1898
 (Here insert name of child.)
 Name of Father: J. E. Turner non citizen of the Choctaw Nation.
 Name of Mother: Sarah E. Turner an intermarried citizen of the Choctaw Nation
 Postoffice Wade, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

DISTRICT. }

I, _____, on oath state that I am _____
 years of age, and a _____ by _____, of the _____ Nation;
 that I am the lawful wife of _____, who is a _____ by _____
 of the _____ Nation; that a _____ child was
 (Male or female.)
 born to me on _____ day of _____, 1898; that said child has been named
 _____, and was living March 4, 1906.

WITNESSES TO MARK:

(Must be Two)
(Witnesses.) }

Subscribed and sworn to before me this _____ day of _____, 1906.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

Central DISTRICT. }

I, J. F. Park Physician on oath, state that I
 attended on Mrs. Sarah E. Turner, wife of J. E. Turner
 on the 12th day of July, 1898, that there was born to her on said date a female
 child; that said child was living March 4, 1906, and is said to have been named
Jessie Joe

WITNESSES TO MARK:

(Must be Two)
(Witnesses.) }

Subscribed and sworn to before me this

11th day ofJune, 1906
J. I. Connell
 Notary Public.


BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Jessie Joe Turner as a citizen of the Choctaw Nation, Choctaw Field
No. D-334.

- - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al., vs. Choctaw and Chickasaw Nations, No. 37 on the South McAlester Docket, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, can confer rights of citizenship upon white husbands or wives whom they may remarry and upon their white children by them, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.


Attorneys for the Choctaw and Chickasaw Nations

January 23, 1904.

10337

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 2 1902

 CHAIRMAN

JOHN CHAIRMAN

DEED

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES ,

In Re Application for Enrollment as Citizen of the Choctaw Nation
of Jessie Joe Turner, minor Child.

Indian Territory) Sarah E. Turner being duly sworn states on her oath
Central District) as follows to wit: - That at the time she made appli-
cation for enrollment as an inter-married citizen of the Choctaw
Nation before the Commission to the Five Civilized Tribes in August,
1899, she also gave to the Commission the name of her child, Jessie Joe
Turner, stating her name, age, and sex. She was asked questions by a
member of the Commission as to the child's age and sex. When she
had finished the conversation with the Commission, she turned to leave
and the member of the Commission to whom she was talking, said " I
guess she will go on a doubtful card", speaking of the child. She further
states that she does not know the name of the member of the Commission
to whom she talked in regard to this matter, she does not know any of them.
She states that until recently she did not know that the records of the
Commission did not show that application was made for the
child Jessie Joe Turner.

Sarah E. Turner

Subscribed and sworn to before me this 22nd, day of October, 1902.

Jesse M. Hobart

Notary Public.

11790

Choe D-334

RECEIVED

FEB 12 1907

No. 2 of No. 7960

DEPARTMENT OF THE INTERIOR,

Land.
52794-1906.
96979- "

OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 11, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of July 10, 1906 (I.T.D. 2548), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated November 1, 1906, transmitting the record relative to the application of Jesse Joe Turner for enrollment as a citizen by blood of the Choctaw Nation. As the original of the letter from the Commissioner has been mislaid, the copy is enclosed.

On October 13, 1902, application was made to the Commission to the Five Civilized Tribes for the enrollment of Jesse Joe Turner as a citizen by blood.

On June 19, 1906, the Commissioner held that the applicant was not entitled to such enrollment.

The record shows that the applicant is the son of J. C. Turner, a non-citizen, and Sarah E. Turner, a white woman, identified at No. 1180 on a list of citizens by intermarriage of the Choctaw Nation approved by the Department on November 16, 1904.

In view of the decision of the Department of July 10,

- 2 -

1906, the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD-Y.

D335

D 335

Benjamin S. Ingram

Record transferred to Chastain
card # 3538

8 336

Robert M. Mitchell

Record transferred to
Choctaw card #3551.

CHECTAW. # 337

Mattie Woosley

Record transferred to

CHECTAW. # 5827.

CHOCTAW D 328

Nancy S. Payton

2D 11111

*and transferred
to Choctaw 5925*

MAY 1 1855

D. 329

Walter Hampton et al

Record transferred to Choctaw
card # 5652

CHOCTAW D 340

William P. Booker

*Record transferred to
Choctaw card # 3607.*

CHOCTAW D341

Mary A. Dameron

Record transferred to
Choctaw card #5757.

D342

John M. Lewis

GRANTED.

*and transferred
to Choctaw 5926*

MAY 15 1905

CHOCTAW.

D. 343

Gavin D. Duncan

Record transferred to
Choctaw card # 5795

CHOCTAW

D. 344.

Thornton M. Pearce.

Record transferred to Choctaw
3667.

CHOCTAW D 345

George A. Boydston

GRANTED

*and transferred
to Choctaw--5929*

MAY 15 1905

D. 346

William T Smith

Record transferred to Chortland
card # 5653

CHOCTAW D 347

Mianna J. Edens et al

*Transferred to Choctaw
#5888 Jan. 18-1905.*

Choc D348

D348

34
Nancy Polson

REFUSED. FEB 21 1907

RECORD FORWARDED DEPARTMENT.

FEB 21 1907

ACTION APPROVED BY
SECRETARY INTERIOR. MAR 10 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO CHIEF OF BUREAU OF INDIAN AFFAIRS
AND CHICKASAW INDIANS. CHOCTAW APR 11 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO AGENTS APR 11 1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. APR 11 1907

MEMORANDA.

(Date) Aug 23 1899.

Name

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day,

WC
34

Wife's name, Nancy Falsom

Choctaw ? yes County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship no

Intermarried citizen ? yes

Married under what law ?

License filed this day

Names of children:

.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.

*note to man, ask to Choc & after married to mon-
deline, ask her testimony about of U.S.
bureau in, d. r.*

B 348

Received of the Com-
missioner to the
Five Civilized Tribes
one copy of testimony
of Nancy Folsom of Feb.
1, 1905 in the matter of
her application for en-
rollment as intermar-
ried citizen of Choctaw
Nation. W. A. Lester.

July 14, 1905

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of
Nancy Folsom for enrollment as an
intermarried citizen of the Choctaw
Nation

----D 348----

On the first day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw Nation were notified by registered mail, that the application of Nancy Folsom for enrollment as a citizen of the Choctaw Nation, would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 9th day April, 1902, for final consideration.

Now, on this 9th day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicant being called fail to appear either in person or by attorney, and the Choctaw Nation appeared by its attorneys, Mansfield, McMurray & Cornish, and submits this case upon the record.

---OXO---

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 11th day of April, 1902.

David McKillop
Notary Public.

Commission to the Five Civilized Tribes,
Caddo, Indian Territory.

In the enrollment of Nancy J. Folsom as an intermarried Choctaw; being sworn and examined by Com'r McKennon she states:

- Q What is your name? A Nancy J. Folsom.
Q How old are you? A Thirty-four.
Q You say you were married to Daniel Folsom? A Yes sir.
Q He was a Choctaw? A Yes sir.
Q When were you married to him? A It has been fifteen years ago.
Q Did you live with him until he died? A Yes sir.
Q How long ago? A Pretty near two years.
Q After that time you married a white man and a non-citizen?
A Yes sir.
Q What was his name? A Campbell Rosseau.

Arabella Gardner being sworn and examined states:

- Q What is your name? A Arabella Gardner.
Q How old are you? A Forty-eight.
Q Did you know Daniel Folsom? A Yes sir, he was my first cousin.
Q Do you know Nancy his wife? A Yes sir.
Q Were you present when they married? A Yes sir, my husband married them.
Q Was he a minister? A He was a county judge in the Choctaw Nation at that time.

Nancy J. Folsom recalled states:

- Q You were divorced from Rosseau and restored to the former name of Folsom? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify that my official oath as stenographer to the above named Commission and this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green.

I, Lee G. Grubbs, as stenographer to the Commissioner to the Five Civilized Tribes on oath state that I made the above and foregoing, and that it is a true and correct copy of the testimony taken at Caddo, Indian Territory, in the matter of the enrollment of Nancy J. Folsom as a by intermarriage of the Choctaw Nation.

Lee G. Grubbs

7-D-348.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nancy Folsom as a citizen by intermarriage of the Choctaw Nation.

Tom Owen appears for Ledbetter & Bledsoe, attorneys for applicant.

Nancy Folsom being first duly sworn testifies as follows:

Examination by the Commission:

Q What is your name? A Nancy Folsom.
Q How old are you? A About forty-five.
Q What is your post office address? A Ardmore.
Q That is in the Chickasaw Nation? A Yes, sir.
Q How long have you lived in the Chickasaw Nation? A Been there this time five years, just lived backwards and forwards in the Choctaw and Chickasaw.
Q Prior to that time you lived where - in the Choctaw Nation?
A In the Choctaw Nation.
Q How long have you lived in the Choctaw Nation? A Pretty near all my life.
Q Is your father a white man? A Yes, sir.
Q What is his name? A Ritchie.
Q Is your mother a white woman? A No, sir, she is part Choctaw.
Q Did she ever enroll as a Choctaw? A No, sir.
Q You claim rights as an intermarried citizen? A Yes, sir.
Q What is the name of the Choctaw through whom you claim?
A Daniel Folsom.
Q Is he on the final roll? A Yes, sir, I guess ~~xx~~ he is.
Q He is dead isn't he? A Yes, sir, he is dead.
Q When did he die? A It has been about seventeen years I guess as well as I can remember; I can't read or write and I can't remember very good.
Q Was he a recognized citizen by blood of the Choctaw Nation?
A Yes, sir, nearly a full blood.
Q He died, you say, about sixteen or seventeen years ago? A Yes, sir, as well as I can remember.
Q What county in the Choctaw Nation did he live in? A Lived in Blue county.
Q Did you have any children by him? A I had one.
Q What is his name? A Robert.
Q Is that child on the roll? A No, sir, he is dead.
Q When did he die? A Been dead about fourteen years, he died when he was small.

EXAMINATION BY MR. OWEN:

Q Did he ever go by any other name? A No, sir, only Daniel.
Q Did he have a middle name? A No, sir, if he did I never did hear it called.

7-D-348---2.

EXAMINATION BY THE COMMISSION:

Q You don't remember what year it was when he died do you?
A No, sir.

Q Was it before or after 1885? A It was before - if I remember, it was seventeen or eighteen years ago.

The 1885 Choctaw Census Roll has been examined and the name of the husband of the applicant is not found thereon.

EXAMINATION BY MR. OWEN:

Q What year were you married in? A 1883.

Q How long did he live after your marriage? A Little over two years.

Q Do you remember what month you married in? A No, sir.

Q Was it summer or winter? A It was winter.

Q Winter of 1883? A Yes, sir.

Q And he lived a little over two years? A Yes, sir.

Q Did he die in the summer or winter? A Spring - in April.

Q What was the name of the judge that married you? A Judge Gardner.

Q Is he still living? A No, sir. His wife was one of my witnesses, married right in his house.

Q Did he have any brothers and sisters? A Yes, sir, Tandy Folsom was his halfbrother.

Q Is he a citizen? A Yes, sir, same father but the mother was different.

Q Is Tandy Folsom living? A No, sir, he is dead.

Q Did Tandy have any children? A No, sir, he ain't got any children.

Q Did your husband have any sisters? A No, sir, but he had some cousins; that is his own cousins that are my witnesses.

Q What was his father's name? A Jacob Folsom.

Q Is he living? A No, sir.

Q What is his mother's name? A I don't know his mother's name she is dead - his stepmother is named-

EXAMINATION BY THE COMMISSION:

Q How long did you live with Daniel Folsom after your marriage? A Little over two years.

Q Lived with him until his death? A Yes, sir.

Q After his death did you marry again? A Yes, sir.

Q Who did you marry? A Rousseau.

Q Was he a white man? A Yes, sir.

Q Is he alive now? A I don't know whether he is or not.

Q You are not living with him now? A No, sir, haven't been for about fourteen years.

Q Were you ever married before your marriage to Daniel Folsom?

A No, sir.

Q Was he ever married before he married you? A Yes, sir.

7-D-348---3.

Q What became of his former wife? A I couldn't tell you.
Q Was she living at the time you married him? A I couldn't tell you, she wasn't living there any way.

EXAMINATION BY MR. OWEN:

Q He died wither in the spring of 1885 or 1886 you say? A Yes, sir.

EXAMINATION BY THE COMMISSION:

You must furnish evidence that Daniel Polson through whom you claim was a Choctaw Indian -

Witness: Well I can do that and it won't take long to do it.

You must also furnish evidence showing that either his former wife was dead at the time of his marriage to you or that he was divorced from her.

Witness: I couldn't tell you anything about his wife I never seen her.

You must also furnish the affidavit of one other eyewitness of your marriage if you can't furnish the marriage certificate.

Witness: I can't do that I lost it.

Q Is the man who married you still alive? A No, sir he is dead.

Witness excused.

Chas. T. Difendafer being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. T. Difendafer

Subscribed and sworn to before me this 16th day of February 1905.

Charles H. Sawyer

Notary Public.

United States of America.

Central District of the

Indian Territory.

We, A. C. Gardner and E. N. Gardner, both of the Central District of the Indian Territory, and residing in the town of Bokchito, personally appeared before me a Notary Public in and for the Central District Indian Territory, and after being duly sworn by me that their statement should be the truth and the whole truth, says, that we were personally and well acquainted with Daniel Fulsome, in his life time, that he was a Citizen of the Choctaw Nation by blood, and that his fathers name was Jacob Fulsome and his mothers name was Roda Fulsome, that we were both present at the marriage of Daniel Fulsome to Miss Nancy Richey, in or about the year of 1882. and that they were married at our home in the Choctaw Nation by Green Gardner, Who was the husband of A. C. Gardner, and the father of E. N. Gardner and the said Green Gardner was then the County Judge of Blue County Choctaw Nation. That we are both Citizens of the Choctaw Nation and have no interest in the matter, of the application of Nancy Fulsome, and that the said Nancy Fulsome is the same lady who was married to said Daniel Fulsome as above stated.

Witness our hands this the 13th day of March 1906.

A. C. (her X mark) Gardner.

Witness

E. N. Gardner

W. C. Caudill

E. N. Gardner

Subscribed and sworn to before me this the 13th day of March 1906.

W. C. Caudill
Notary Public in and for the

Central District of the

Indian Territory.

(SEAL)

Indorsed on back as follows:

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

FILED.

DEC. 20, 1906.

Tams Bixby, Commissioner.

Indian Territory,
Central District.

I, F. R. Robberson, being duly sworn, on oath do state that I am fifty-five years of age, that I reside about one mile East of Silo, I.T.; that I had a sister by the name of Ouncy Belle Robberson, whom I knew all of her life. I also knew Daniel Folsom, all of his life. They were married at Durant during the year 1882, the said Ouncy Belle Folsom, (nee Robberson) was granted a divorce by the Choctaw Court sitting in session at Armstrong Academy, L. F. Folsom being district judge, and Isom Walker, clerk.

My sister was represented in said divorce proceeding by Green Thompson, an attorney practicing in the Choctaw Courts.

I know this fact of my own knowledge for I was present in court when the decree of divorce was granted to my sister. I further know that Green Thompson, L. F. Folsom and Isom Walker are now all deceased.

I do not know what the records of the court show, for I have not examined them, nor do I know that such records were properly kept, or are now in existence.

his
F. R. Roberson X
mark.

Witness

B.S. Johnson
W. J. Jennings.

Subscribed and sworn to before me this 21 day of
January, 1907.

B. S. Johnson
Notary Public.

(SEAL)

Indorsed on back as follows.

Department of the Interior?
Commissioner to the Five Civilized Tribes.

F I L E D .

Jan. 28, 1907.

Thos BIXBY, Commissioner.

Muskogee, Indian Territory, November 3, 1905.

Messrs. Ledbetter & Bledsoe,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen.

You are hereby notified that before any further action can be taken in the matter of the application for the enrollment of Nancy Folsom as a citizen by intermarriage of the Choctaw Nation it will be necessary that this office be furnished with evidence showing her marriage to Daniel Folsom, through whom she claims her intermarried rights. Also, evidence showing that said Daniel Folsom was a recognized Choctaw, together with evidence showing that said Daniel Folsom was divorced from his first wife, or that she was dead at the time of his marriage to the applicant, Nancy Folsom.

This matter should receive you immediate attention.

Respectfully,

Commissioner.

7-D-348.

Muskogee, Indian Territory, January 5, 1907.

Ledbetter & Bledsoe,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:-

In the matter of the application for the enrollment of Nancy J. Fulson as a citizen by intermarriage of the Choctaw Nation, you are advised that it will be necessary that evidence be furnished this office showing whether or not the former wife of Daniel Fulson, through whom the applicant claims her right to enrollment, was living at the time of the marriage of the applicant to the said Daniel Fulson; if living, evidence of her divorce from Daniel Fulson should be furnished.

It is imperative that this evidence be furnished prior to February 1, 1907, inasmuch as the Act of Congress approved April 26, 1906 (34 Stats., 137), provides that no person shall be enrolled subsequent to March 4, 1907.

Respectfully,

Commissioner.

Muskogee, Indian Territory, January 16, 1907.

S. D. Bledsoe,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 8m 1907, in which you state that in the matter of the application for the enrollment of Nancy K. Folsom as an intermarried citizen of the Choctaw Nation sometime ago Mrs. Folsom forwarded evidence of her marriage to Daniel Folsom, but receipt therefor does not seem to have been acknowledged; you further state that she is now making an effort to get the evidence requested in office letter of January 5, 1907, and will furnish information as soon as the same can be obtained.

In reply to your letter you are advised that on December 20, 1906, a letter was addressed to you acknowledging receipt of joint affidavit of A. C. Gardner and E. N. Gardner to the Marriage of Nancy Fulsom and Daniel Fulsom.

You are further advised that such evidence as can be secured in this case should be forwarded at a very early date in order that disposition may be made of the application for the enrollment of Nancy J. Folsom as an intermarried citizen of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-348
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Nancy Folsom as a citizen by intermarriage of the Choctaw Nation.

DECISION.

It appears from the census card record in this case that on August 23, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Nancy Folsom as a citizen by intermarriage of the Choctaw Nation.

The applicant claims her right to enrollment as such citizen by reason of her marriage in 1863 to Daniel Folsom, a Choctaw by blood, who died in the Spring of 1885 or 1886, and who is not identified upon any of the tribal rolls of the Choctaw Nation in the possession of this office.

The record herein further shows that Daniel Folsom, through whom the applicant claims her intermarried rights, had prior to his marriage to the applicant, been previously married to one Ouncy Belle Folsom (nee Robberson), and it has been attempted to show by secondary evidence, without any foundation having been laid therefor, in the form of an affidavit sworn to by F. R. Roberson, that a decree of divorce was granted said Ouncy Belle Folsom from Daniel Folsom, it being stated therein that said F. R. Roberson was present at the time the decree was granted. Said affidavit fails to state the date upon which said decree was granted.

It does not appear from the record herein or from the records in the possession of this office that said applicant has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe or admitted to Choctaw citizenship by any duly constituted authority.

Although ample opportunity has been afforded said applicant to show by competent evidence that her husband had been divorced from his former wife, she has failed to do so.

I am, therefore, of the opinion that following the ruling of the Department of January 14, 1907 (I.T.D. 60-1907), in the case of Wad Smith, the application for the enrollment of Nancy Folsom as a citizen by intermarriage of the Choctaw Nation, should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Muskogee, Indian Territory,

FEB 21 1907


Commissioner.

7-D-346.

COPY .

Muskogee, Indian Territory, February 21, 1907.

Nancy Folsom,

Ardmore, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, denying the application for the enrollment of Nancy Folsom as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamc Dixby*

Commissioner.

Registered.
Incl. 7-D-344.

7-D-348.

COPY

Muskogee, Indian Territory, February 21, 1907.

Ledbetter & Blodsee,
Attorneys at law,
Ardmore, Indian Territory.

Dear Sirs:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes rendered February 21, 1907, denying the application for the enrollment of Nancy Polson as an intermarried citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*

Incl. 7-D-348.

Commissioner.

Registered.

7-D-348.

COPY

Muskogee, Indian Territory, February 21, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Dear Sirs:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, denying the application for the enrollment of Nancy Felsom as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamc Bixby*

Commissioner.

Incl. 7-D-348.

COPY

Muskogee, Indian Territory, February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Nancy Folsom as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 21, 1907, denying said application.

James Bixby

Commissioner.

2 Incl.

Through the Commissioner
of Indian Affairs.

D. C. 12857-1907.

JP.
O. K.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. March 2, 1907.

I. T. D.
6930, 6936, 6938, 6944-1907.
6972, 7012, 7016, 7098-1907.
21,304-1906.

LES.
DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

Title of Case.	Date of Your Letter of Transmittal.
George L. Cook (Freedman),	February 14, 1907.
Eliza Pleasant,	February 25, 1907.
Carrie L. Goodman,	February 18, 1907.
Nancy Folsom,	February 21, 1907.
Mary Briley, et al., (Freedman),	February 18, 1907.
D. C. Shipman,	February 18, 1907.
James D. Hagar (Miss. Choc.),	February 23, 1907.
Calvin G. and Alvin D. Smith (Miss. Choc.),	February 23, 1907.
Maggie M. and Dewey Winters,	June 15, 1906.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

9 inc. and 18 inc.
for Indian Office.
AFMc.
3-4-07.

Refer in reply to the following.

--Copy--

Land.
19680-1907.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby dated February 21, 1907, transmitting the record relative to the application of Nancy Folsom for enrollment as an inter-married citizen of the Choctaw Nation. On February 21, 1907, the Commissioner denied the application. The record shows that the action of the Commissioner is correct and its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner,

GAW-GH.

7-D-348

Maskogee, Indian Territory, April 11, 1907.

Nancy Folsom,

Ardmore, Indian Territory.

Dear Madam:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of this office of February 21, 1907, denying the application for the enrollment of Nancy Folsom as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

7-D-348

Muskogee, Indian Territory, April 11, 1907.

Ledbetter & Bledsow,

Attorneys at Law,

Ardmore, Indian Territory.

Dear Sirs:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of this office of February 21, 1907, denying the application for the enrollment of Nancy Folsom as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

7-D-348

Muskogee, Indian Territory, April 11, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 2, 1907, the Secretary of the Interior affirmed the decision of this office of February 21, 1907, denying the application for the enrollment of Nancy Folsom as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Geo. L. Rodgers.

Acting Commissioner.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muscogee, Indian Territory,

August 18th, 1900.

Nancy Folsom,

Academy, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cernish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Oliver L. Smith
Acting Chairman

7-D-348.

COMMISSIONER
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 18, 1900.

Nancy Folsom,

Academy, Indian Territory.

Dear Madam:-


Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest against you is, that you have married out of the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,


Acting Chairman.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

7-D-348

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 25, 1905.

Ledbetter & Bledsoe,

Attorneys at Law.

Ardmore, Indian Territory.

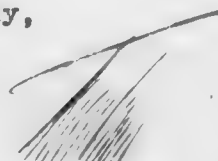
Gentlemen:

Receipt is hereby acknowledged of your letter of January 21, 1905, giving information relative to the Nancy Fulsom concerning whom you desire information and requesting that a decision be rendered in this case as early as possible.

In reply to your letter you are informed that before further consideration can be given the application of Nancy Fulsom for enrollment as an intermarried citizen of the Choctaw Nation it will be necessary for her to appear in person before the Commission at its office in Muskogee, Indian Territory for the purpose of testifying relative to her intermarried status on September 25, 1902, the date of the ratification of the act of Congress approved July 1, 1902

Such personal appearance should be made at the earliest practicable date in order that disposition may be made of the application.

Respectfully,



Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-348.

Muskogee, Indian Territory, March 1, 1902.

Nancy Folsom,

Academy, Indian Territory

You are hereby notified that the application of Yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 9th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Commissioner in Charge.

Register.

Chootaw D-348

Muskegee, Indian Territory, February 26, 1903.

Nancy Folsom,

Academy, Indian Territory.

Dear Madam:

It is the present intention of the Commission to establish land offices in the Chootaw and Chickasaw Nations April 1, 1903.

The Act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Chootaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Chootaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Choctaw D 348; D 453
Chickasaw D 329

Muskogee, Indian Territory, June 1, 1904.

J. O. Pool,

Hoscona, Texas,

Dear Sir:

Your letter without date, addressed to the Secretary of the Interior, has been by him referred to the Commission for consideration and appropriate action. Therein you refer to the cases of Nancy Folsom, Martha Brashiers and Decias Compton, applicants to the Commission for enrollment as intermarried citizens, and their children, for enrollment as citizens by blood, and request the Secretary of the Interior to instruct the Commission to pass on these cases.

In reply to your letter you are advised that the Commission has not yet passed upon the applications of Martha H. Brashiers and Nancy Folsom, for enrollment as intermarried citizens of the Choctaw Nation, but will, as early as practicable, take up the same for consideration and determination. As soon as decisions are reached in these cases the applicants will be notified of the action taken therein. As you do not mention the names of their children, referred to by you, it is impracticable to give you any information relative to the status of their enrollment.

You are further advised that on February 6, 1904, there were filed with the record in this case the pretexts of the attorneys

J O P E

for the Choctaw and Chickasaw Nations, under date of January 24, 1904, in which they request that further action in the matter of the application for the enrollment of Dorcas Cumpston as an intermarried citizen of the Chickasaw Nation and for the enrollment of her son, Clarence C. McLish, as a citizen by blood of the Chickasaw Nation be postponed until final action of the Choctaw and Chickasaw Citizenship Court in the cases of John C. Bradshaw and Evans Hill, et al. versus the Choctaw and Chickasaw Nations.

The Commission cannot, therefore, under Departmental instructions, take up for consideration and disposition at this time, the application of Dorcas Cumpston for the enrollment of herself and her son as citizens of the Chickasaw Nation.

Respectfully,

Chairman.

Choctaw D 348

Muskogee, Indian Territory, February 20, 1904.

Ledbetter & Bledsoe,

Attorneys at Law,

Ardmore, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of February 15, asking the status of the citizenship of Nancy Folsom, an inter-married Choctaw.

In reply to your letter you are advised that the commission has not yet passed upon the application of Nancy Folsom for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in this case she will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Chickasaw D 329
Choctaw D 346
Choctaw D 453

Muskogee, Indian Territory, February 19, 1904.

J. O. Pool,

Washington, D. C.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 8, in which you ask that the cases of Nancy Fulson, Dorcas Compton and Martha Brashears, all intermarried citizens of the Choctaw and Chickasaw Nations, be passed on at an early date and that you be notified of the decisions therein.

In reply to your letter you are advised that the Commission has not yet passed upon the applications of Nancy Fulson and Martha Brashears for enrollment as intermarried citizens of the Choctaw Nation nor the application of Dorcas Compton for the enrollment of herself as an intermarried citizen of the Chickasaw Nation and for the enrollment of her son, Clarence C. McLish, as a citizen by blood of the Chickasaw nation.

You are further advised that on February 6, 1904, there was filed with the Commission the protest of the attorneys for the Choctaw and Chickasaw Nations requesting that no further action be taken in the case of Martha Brashears and also in the case of Dorcas Compton and her son Clarence C. McLish until the decision of the Choctaw and Chickasaw Citizenship Court in analogous cases pending before it.

J O P 2

The Commission was directed by the secretary of the Interior in a communication of November 18, 1903, to withhold action in such cases where protests were filed by the attorneys for the Nations, and is therefore estopped from taking further action in these cases until otherwise directed by the Department.

Replying to that part of your letter in which you invite attention to the action of the Citizenship Court on the marrying out question, you are advised that the Commission has been unofficially advised that the Choctaw and Chickasaw citizenship court had decided that persons could not marry out, in the case of Thomas Brennon, but in the copy of the decree of said court in this case which was forwarded the Commission by the Clerk of that Court no mention was made of the marrying out question although this is one of the questions involved in the case as it was presented to the Commission.

You are further advised that the question of whether the Commission is to take cognizance of the decisions of the Citizenship Court in rendering decisions in cases pending before said Commission, is now before the Department and we have not been advised as to any action having been taken therein by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-D-348.

Muskogee, Indian Territory, August 15, 1904.

Nancy Folsom,

Academy, Indian Territory,

Dear Madam:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 9, 1904.

Arabella C. Gardner,

Academy, Indian Territory.

Dear Madam:

The Commission is very desirous of obtaining the post-office address of Nancy Folsom, who claims rights as an intermarried citizen of the Choctaw Nation by virtue of her marriage to Daniel Folsom. Application was made for her enrollment before the Commission at Caddo, Indian Territory, August 23, 1899, and it appears from the evidence taken therein that you testified relative to the marriage between Daniel Folsom and Nancy Ritchie.

If you can advise the Commission of the present post-office address of said Nancy Folsom, your action in the matter will be duly appreciated. Kindly return your reply in the enclosed envelope which requires no postage at your earliest convenience.

Respectfully,

Chairman.

Env.

7-D-348

Muskogee, Indian Territory, October 24, 1904.

Arabella C. Gardner,

Bokchito, Indian Territory.

Dear Madam:-

Receipt is hereby acknowledged of your letter of recent date stating that you do not know the present whereabouts of Nancy Folsom.

Your prompt reply to our inquiry concerning said person is duly appreciated.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 25, 1905.

Ledbetter & Bledsoe,

Attorneys at Law.

Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of January 21, 1905, giving information relative to the Nancy Fulson concerning whom you desire information and requesting that a decision be rendered in this case as early as possible.

In reply to your letter you are informed that before further consideration can be given the application of Nancy Fulson for enrollment as an intermarried citizen of the Choctaw Nation it will be necessary for her to appear in person before the Commission at its office in Muskogee, Indian Territory for the purpose of testifying relative to her intermarried status on September 25, 1902, the date of the ratification of the act of Congress approved July 1, 1902

Such personal appearance should be made at the earliest practicable date in order that disposition may be made of the application.

Respectfully,

Chairman.

Choctaw D 248

Muskogee, Indian Territory, April 29, 1905.

J. O. Pool,

Nocona, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 24, asking the status of the enrollment case of Nancy Folsom and in reply you are advised that no action has yet been taken by the Commission upon the application of Nancy Folsom for enrollment as an inter-married citizen of the Choctaw Nation, but when a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.

7-D-348

Muskogee, Indian Territory, June 11, 1906.

J. O. Pool,

Nocona, Texas.

Dear Sir:

Referring to that part of your letter of May 23, 1906, in which you ask the status of the application of Nancy Folsom for enrollment as an intermarried citizen of the Choctaw Nation, you are advised that no decision has yet been reached in this case, but you will be notified of such action as is taken therein.

Respectfully,

Commissioner.

Muskogee, Indian Territory, November 26, 1906.

J. H. Bernert,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 14, 1906, asking what action has been taken in the matter of the application of Nancy Folsom et al. for enrollment.

In reply to your letter you are advised that no action has yet been taken in the matter of the application of Nancy Folsom for enrollment as an intermarried citizen of the Choctaw Nation.

If this is not the person to whom you refer and you will give further information which would lead to her identification, the matter of your inquiry will receive consideration.

Respectfully,

Commissioner.

7-D-348.

Muskogee, Indian Territory, December 29, 1906.

Ladbetter & Bledsoe,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 14th instant, enclosing the joint affidavits of A. C. Gardner and E. N. Gardner, relative to the marriage of Nancy Fulsom to Daniel Fulsom.

The same has been filed with the record in the matter of the application for the enrollment of Nancy Fulsom as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Acting Commissioner.

7-D-348

Muskegee, Indian Territory, January 30, 1907.

Ledbetter & Bledsoe,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of January 22, 1907, transmitting the affidavit of F. R. Roberson in support of the application of Nancy Folsom for enrollment as an intermarried citizen of the Choctaw Nation and the same has been filed with the record in this case.

Respectfully,

Commissioner.

Muskogee, Indian Territory, February 16, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:

There is returned herewith field data in the following applications for enrollment as citizens of the Chickasaw and Choctaw Nations, for the reason that I visited the former post-office addresses of each as given in field data, and made numerous inquiries relative to their whereabouts but was unable to locate any of them:

Augustus Seale	D-61
Peister John Copeland	451
Francis York	23-1228
Celestine Taylor	23-895
Viola Lillie Hickman et al	23-902
Nancy Nelson	D-348
Joseph E. Davis	D-76
Aaron Giles	D-95
Frank Haley	23-882
Win J. Manly	D-876.

In the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of Oliver P. Owen, field number 250, you are advised that I made numerous inquiries at Ardmore, Indian Territory, which was his former post-office address but was unable to get any information relative to the death of the applicant. The field data in this case is also returned herewith.

Respectfully,

D. C. 12857-1907.

JP.
O. K.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. March 2, 1907.

I. T. D.
6930, 6936, 6938, 6944-1907.
6972, 7012, 7016, 7098-1907.
21, 304-1906.

LRS.
DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

Title of Case.	Date of Your Letter of Transmittal.
George L. Cook (Freedman),	February 14, 1907.
Eliza Pleasant,	February 25, 1907.
Carrie L. Goodman,	February 18, 1907.
Nancy Polson,	February 21, 1907.
Mary Briley, et al., (Freedman),	February 18, 1907.
D. C. Shipman,	February 18, 1907.
James D. Hagar (Miss. Choc.),	February 23, 1907.
Calvin G. and Alvin D. Smith (Miss. Choc.),	February 23, 1907.
Maggie M. and Dewey Winters,	June 15, 1906.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

9 inc. and 18 inc.
for Indian Office.
APMc.
3-4-07.

Refer in reply to the following.

--Copy--

Land.
19680-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby dated February 21, 1907, transmitting the record relative to the application of Nancy Folsom for enrollment as an inter-married citizen of the Choctaw Nation. On February 21, 1907, the Commissioner denied the application. The record shows that the action of the Commissioner is correct and its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH.

9-D-329
7-D-848

Mustkee, Indian Territory, March 11, 1907.

J. O. Peel,
Attorney at Law,
McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 18, 1907, asking that a decision be taken in the case of Docias Compton and her little boy McLish; also in the case of Nancy Folsom as these cases have been before this office for some years.

In reply to your letter you are advised that on February 21, 1907, the Commissioner to the Five Civilized Tribes denied the application for the enrollment of Dorcas Cumpton and her son Clarence C. McLish as citizens of the Chickasaw Nation, and on the same date the record in this case was transmitted to the Department.

You are further advised that on February 21, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Nancy Folsom as a citizen by intermarriage of the Cheataw Nation and on the same date the record in this case was forwarded to the Secretary of the Interior. You will be notified of the final action of the Department in these cases.

Respectfully,

Commissioner.

REFER OR REPLY TO THE FOLLOWING:

(COPY)

DEPARTMENT OF THE INTERIOR,

Land
19650-1907.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby dated February 21, 1907, transmitting the record relative to the application of Nancy Palsom for enrollment as an inter-married citizen of the Choctaw Nation. On February 21, 1907, the Commissioner denied the application. The record shows that the action of the Commissioner is correct and its approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH.

CHOCTAW

D. 349

M. Pishlynn, et al.

and transferred to Choctaw
id # 5704.

CHICAGO, ILL.

D. 350

Charles Jones.

Record transferred to Chicago
card # 227

D. 35

Lake Brewer.

Record transferred to Chart
card * 3700

CHOCTAW :

George W. Roberts 352

Record transferred to
CHOCTAW #3843

CHOCLOW

D 358

Mr. W. Blevins
et al

GRANTED.

and transferred
to Choclaw 5927.

MAY 15 1905

CHOCTAW.

D. 35

Francis M. Jones, et al.

Record transferred to Choctaw
and #5739.

D. 355

Nathaniel H. Simmons,
et al.

Record transferred to Choctaw
card #5740

D. 356

Leander Camp

Record transferred to Choctaw
card #5330

D. 357

James M. Buchholz, et al

No. 1 transferred to Choctaw
card #5738 - No. 2 trans
ferred to Choctaw card
#5737 - No. 3 transferred
to Choctaw card # 3784

CHOCTAW D 358

John Oindriff

Transferred to Choctaw
5890-Jan 23-1905

Choc D 359 David C. Gideon

D 359

Amos C. Gideon

See Choctaw card #3858

DISMISSED

MAY 27 1904

DISMISSED

DEC 28 1906

RECORD FORWARDED DEPARTMENT.

DEC 28 1906

See petition jacket D-67

See record in 7-3858

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 2 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APR 11 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

APR 11 1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAR 11 1907

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
David C. Gideon for enrollment as an
intermarried citizen of the Choctaw Nation.

---D 359---

On the first day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of David C. Gideon for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory on the 9th day of April, 1902, for final consideration.

Now, on this 9th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation appeared by its attorneys, Mansfield, McMurray & Cornish, and the applicant appeared in person, and this case is submitted upon the record.

-----0-----

Harry C Risteen being first duly sworn upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 10th day of April, 1902.

John H. Hillwood

Notary Public.

7-D-359
7-D-359.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

COPY.

In the matter of the application of David C. Gideon for
enrollment as a citizen by intermarriage of the Choctaw Nation.

-----o-----

The applicant, David C. Gideon, claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage to one Nellie J. Gideon. The right of the applicant's wife, Nellie J. Gideon, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of April 18, 1904, in case No. 80, upon the South McAlester docket of said court, it is hereby ordered that the application of David C. Gideon for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

James L. Lacey.

Chairman.

Muskogee, Indian Territory,

Choctaw D- 359.

COPY.

Muskogee, Indian Territory, June 8, 1904.

David C. Gideon,

Caddo, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing your application for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

James Bixby

Chairman.

Registered.

Incl. 7- D- 359.

Choctaw D-359

COPY.

Muskogee, Indian Territory, June 8, 1904.

Mansfield, McMurray & Gernish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as a citizen by intermarriage of the Choctaw Nation of David C. Gideon.

Respectfully,

(SIGNED)

Tams Bixby.

Registered.

Chairman.

Incl. 7-D-359.

(See Choctaw R-650 for registry receipt for this letter.)

7 3858
7 D359
7 3857

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Nellie J. Gideon, et al., as citizens of the Choctaw Nation.

D E C I S I O N .

It appears from the census card records in this case that on August 24, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Nellie J. Gideon and James Landers as citizens by blood of the Choctaw Nation, and for the enrollment of David C. Gideon as a citizen by intermarriage of said nation.

It further appears from the records in the possession of this office that on September 4, 1896, in the case entitled "Nellie J. Gideon, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 268), original application was made to the Commission to the Five Civilized Tribes for the admission of Nellie J. Gideon and James Landers (as James J. Landers) as citizens by blood of the Choctaw Nation; and that thereafter said Commission rendered its decision therein denying said application.

Subsequently an appeal was taken to the United States Court for the Central District of the Indian Territory, and on August 30, 1897, in the case entitled "Nellie J. Gideon, et al., vs. Choctaw Nation" (Central District Citizenship Case No. 36), said court reversed the decision of the Commission to the Five Civilized Tribes, and admitted Nellie J. Gideon and James Landers as citizens by blood of the Choctaw Nation.

On December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Central District of the Indian Territory. Thereafter an appeal was taken to said Choctaw-Chickasaw Citizenship Court, and on April 18, 1904, said court, in the case entitled "Nellie J. Gideon, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court case No. 80, South McAlester Docket), rendered its decision therein, wherein it was "Ordered, adjudged and decreed that the petition of the plaintiffs, Nellie J. Gideon and James Landers, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom."

On May 27, 1904, the Commission to the Five Civilized Tribes entered of record an order dismissing the application for the enrollment of David C. Gideon as a citizen by intermarriage of the Choctaw Nation for the reason that Nellie J. Gideon, through whom he claimed his right to enrollment as such, had been denied by a decree of the Choctaw and Chickasaw Citizenship Court.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on April 3, 1906, a petition praying for the enrollment of Nellie J. Gideon and James Landers as citizens by blood of the Choctaw Nation, and for the enrollment of D. C. Gideon as a citizen by intermarriage of said nation. Said petition alleges that the petitioners, Nellie J. Gideon and James Landers, are entitled to enrollment as citizens of the Choctaw Nation by reason of the favorable judgment of the United States Court for the Central District of the Indian Territory, above mentioned, and that the petitioner, D. C. Gideon, is entitled to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage to said Nellie J. Gideon, under the laws, customs, and usages of the Choctaw Nation.

It does not appear from the record herein or from the records in the possession of this office that any of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by any duly constituted court or committee of the Choctaw Nation.

I am of the opinion that inasmuch as the applicants, Nellie J. Gideon and James Landers, did not possess such a tribal status in 1896 as would entitle them to enrollment, the action of the Choctaw and Chickasaw Citizenship Court adverse to said applicants is final, and I am without authority to take any action looking to their enrollment, and that the petition for their enrollment should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that the action of the Commission to the Five Civilized Tribes dismissing the application for the enrollment of David C. Gideon as a citizen by intermarriage of the Choctaw Nation should be affirmed, and it is so ordered.

(Signed) Tams Bixby

Commissioner.

Muskogee, Indian Territory,

Dec 28 1906

Muscogee, Indian Territory,

August 18th, 1900.

David C. Siddons,

Okmulgee, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKeon, Mansfield, Murray, & Cornish, has filed with the Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Okmulgee, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-10-307.

Muskogee, Indian Territory, September 8, 1900

David C. Gideon,

Caddo, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 6th instant in the matter of the protest filed by the Choctaw Nation as to your enrollment as a citizen by intermarriage of that Nation.

You desire to be informed as to what new evidence it will be necessary for you to produce at the session of the Commission at Atoka, beginning December 3rd next and then at length make a statement as to your application for enrollment in the Choctaw Nation.

You are informed that the Commission cannot at this time go into the merits of this case or attempt to inform applicants whose rights have not been disposed of as to what new evidence should be produced in support of their claim.

The Commission has at this time only been served by the attorneys for the Choctaw Nation with a general protest containing the names of persons whose rights to enrollment have been doubtful and against whose final enrollment the Nation enters an objection. The Commission in justice to the parties whose rights have thus been protested, have notified them and has also required of the attorneys for the Choctaw Nation that they, prior to the 31st day of October, 1900, serve on these parties whose enrollment has been objected to, a notice stating therein the grounds on which such objection is made. You will therefore be able to determine after

D. C. C. 2..

the receipt of that notice as to what will be required of you and the Commission at its session in Alaska will hear any oral testimony that you may present in support of your application. Written arguments and briefs will also be accepted for the consideration of the Commission.

Yours truly,

Acting Chairman.

In reply please refer
to T-D-359

Muskogee, Indian Territory, September 18, 1900.

David C. Gladion,

Caddo, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. However, the notice of protest has been withdrawn in your case by the attorneys for the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully the reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

Mustoge, Indian Territory, October 17, 1900.

Dr. D. C. Gideon,

Cade, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 7th instant in the matter of the protest filed to your enrollment as a citizen by intermarriage of the Choctaw nation.

You are informed that since the notice was mailed you on August 18th, the Choctaw nation has withdrawn the protest to your enrollment as a citizen by intermarriage of the Choctaw nation and you were notified of such fact on September 18th, 1900.

It is true that the records of the Commission show that your name appears upon a doubtful card and the Commission has not recently been able to pass upon the rights of doubtful claimants in the Choctaw Nation but contemplates doing so as early in the near future as possible.

As the Commission informed you in the letter of September 18th 1900, it will not be necessary for you to appear before the Commission at its session in Atoka next December, but the facts stated in your letter of the 7th instant will receive due consideration of the Commission in the final disposition of your claim.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, July 20, 1901.

Mr. David C. Gideon,
Caddo, Indian Territory.

Dear Sir:

Your letter of the 17th instant addressed to Josiah O. Warriner has been referred to the Commission for reply.

While it appears from our records that your wife has been listed for enrollment as a citizen of the Choctaw Nation by virtue of a judgment of the United States Court, and you are an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation, we can furnish you no opinion as to the final disposition of your application.

No date has yet been fixed or agreed upon for the closing of the rolls of citizenship of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

7-3468
7-2509

Muskogee, Indian Territory, December 23, 1901.

David C. Gideon,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, in which you desire to be informed if the Commission has up to this time approved your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Replying to your inquiry you are informed that the Commission has not up to this time taken up for consideration or rendered any decision relative to your rights to enrollment as a citizen by intermarriage of the Choctaw Nation but when such decision is rendered you will be duly informed of such action as may be taken by the Commission.

Yours truly,

Commissioner in Charge.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

Choctaw D-359.

Muskogee, Indian Territory, March 1, 1902.

David C. Gideon,

Caddo, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 9th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

Choctaw D 359.

Muskogee, Indian Territory, May 29, 1902.

David C. Gideon,
Caddo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty sixth instant, desiring to be informed relative to the present status of your application for enrollment as a citizen of the Choctaw Nation.

You are advised that the Commission has not, up to this time, rendered any opinion or decision relative to your rights to enrollment as a citizen by intermarriage of the Choctaw Nation, but as soon as such decision is rendered you will be furnished with a copy thereof, and be notified of the forwarding of the record in your case to the Secretary of the Interior for review.

On April 9, 1902, at the office of the Commission at Muskogee, Indian Territory, your case was called for final consideration and appearances being made by Messrs Mansfield, McMurray & Cornish on behalf of the Choctaw Nation and you having appeared in person, the case was submitted upon the record then made. The Commission will render its decision upon the record now before it and, as before stated, you will be advised of such action as may be taken thereon.

Yours truly,

Commissioner in Charge.

Choctaw 3407
and D 359

Muskogee, Indian Territory, June 30, 1902.

A. E. Folsom,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you desire to be informed the status of Mrs. W. P. Booker, D. C. Giddian and Thomas Hide. You state in your letter that these people are holding large tracts of land.

You are advised that it appears from our records that on August 21, 1899, Lizzie Booker, 37 years of age, of Caddo, Indian Territory, the wife of W. P. Booker, and her children, Homer, Birdie, Byron and Bessie Carroll and Carroll Booker, were listed for enrollment by this Commission as citizens of the Choctaw Nation.

On August 24, 1899, David C. Gideon, 50 years of age, of Caddo, Indian Territory, made application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation. The Commission has not up to this time rendered a decision in the matter of the application of Mr. Gideon for such enrollment but when a decision is rendered he will be advised thereof and of the forwarding of the record in the case to the Secretary of the Interior for his review.

A E F 2

You are advised that it does not appear that any person by the name of Thomas Hide has been listed for enrollment by this Commission as a citizen of either the Choctaw or Chickasaw Nations or that application has ever been made for such enrollment.

Your attention is invited to the following provisions of the act of Congress of June 28, 1898:

"That it shall be unlawful for any citizen of any one of said tribes to inclose or in any manner, by himself or through another, directly or indirectly, to hold possession of any greater amount of lands or other property belonging to any such nation or tribe than that which would be his approximate share of the lands belonging to such nation or tribe and that of his wife and his minor children as per allotment herein provided; and any person found in such possession of lands or other property in excess of his share and that of his family, as aforesaid, or having the same in any manner inclosed, at the expiration of nine months after the passage of this Act, shall be deemed guilty of a misdemeanor."

"That any person convicted of violating any of the provisions of sections sixteen and seventeen of this Act shall be deemed guilty of a misdemeanor and punished by a fine of not less than one hundred dollars, and shall stand committed until such fine and costs are paid (such commitment not to exceed one day for every two dollars of said fine and costs), and shall forfeit possession of any property in question, and each day on which such offense is committed or continues to exist shall be deemed a separate offense. And the United States district attorneys in said Territory are required to see that the provisions of said sections are strictly enforced and they shall at once proceed to dispossess all persons of such excessive holding of lands and to prosecute them for so unlawfully holding the same."

Your attention is also invited to the following provision of the act of Congress approved May 27, 1902:

"That the just and reasonable share of each member of the Chickasaw, Choctaw, Creek, and Cherokee nations of Indians,
1
in the lands belonging to the said tribes, which each member is entitled to hold in his possession until allotments are made,

A E F 3

as provided in the act entitled "An Act for the protection of the people of the Indian Territory, and for other purposes", approved June twenty-eighth, eighteen hundred and ninety-eight, be, and the same is hereby, declared to be three hundred and twenty acres for each member of the Chickasaw Nation, three hundred and twenty acres for each member of the Choctaw Nation, one hundred and sixty acres for each member of the Creek Nation, and one hundred acres for each member of the Cherokee Nation."

If you have knowledge of any persons holding more land than that to which they and their families are entitled to hold, you should bring the matter to the attention of the United States district attorney for the district in which such excessive holdings are located.

Yours truly,

Commissioner in Charge.

Cheetaw D 389

Muskogee, Indian Territory, July 23, 1902.

D. C. Gideon,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, addressed to the United States Indian Agent, Muskogee, Indian Territory and which has been by him referred to this Commission for consideration and reply.

Therein you desire to be informed relative to the amount of lands citizens of the Cheetaw and Chickasaw Nations are permitted to hold at this time.

Replying to your inquiry your attention is invited to the following provision of the act of Congress, approved May 27, 1902, defining the amount of land each citizen of the Cheetaw and Chickasaw Nations is entitled to hold until final allotment:

"That the just and reasonable share of each member of the Chickasaw and Cheetaw Nations of Indians, in the lands belonging to the said tribes, which each member is entitled to hold in his possession until allotments are made, as provided in the Act entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," approved June twenty-eighth, eighteen hundred and ninety-eight, be, and the same is hereby, declared to be three hundred and twenty acres for each member of the Chickasaw Nation and three hundred and twenty acres for each member of the Cheetaw nation."

Citizens of the Cheetaw and Chickasaw Nations holding possession of land in excess of 320 acres as defined by the above

D C G 2

legislation, are subject to prosecution under sections seventeen and eighteen of the act of Congress of June 28, 1896, as follows:

"That it shall be unlawful for any citizen of any one of said tribes to inclose or in any manner, by himself or through another, directly or indirectly, to hold possession of any greater amount of lands or other property belonging to any such nation or tribe than that which would be his approximate share of the lands belonging to such nation or tribe and that of his wife and minor children as per allotment herein provided: And any person found in such possession of lands or other property in excess of his share and that of his family, as aforesaid, or having the same in any manner inclosed, at the expiration of nine months after the passage of this Act, shall be deemed guilty of a misdemeanor."

"That any person convicted of violating any of the provisions of sections sixteen and seventeen of this Act shall be deemed guilty of a misdemeanor and punished by a fine of not less than one hundred dollars, and shall stand committed until such fine and costs are paid (such commitment not to exceed one day for every two dollars of said fine and costs), and shall forfeit possession of any property in question, and each day on which such offense is committed or continues to exist shall be deemed a separate offense. And the United States district attorneys in said Territory are required to see that the provisions of said sections are strictly enforced and they shall at once proceed to dispossess all persons of such excessive holding of lands and to prosecute them for so unlawfully holding the same."

While you appear upon our records as an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation, your rights have not up to this time been determined. When a decision is rendered in the matter of your application for enrollment as a citizen of the Choctaw Nation, you will be duly advised thereof and also notified of the forwarding of the

2003

record in the case to the Secretary of the Interior for his review.

Yours truly,

Commissioner in Charge.

Choctaw D 49; D 40;
Choctaw D 339; 3647
3417; 3600; 3672.

Muskogee, Indian Territory, September 19, 1902.

D. C. McGurtain,

South McAlester, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 16, asking if the following named persons are citizens of the Choctaw Nation, as appears from the Choctaw rolls now in the possession of the Commission, or as listed for enrollment by the Commission, and stating that if found they will appear on the Blue County roll:

D. C. Gideon,	John Gravitt,
F. G. Baxter,	Heuben Paddock,
William Asken,	James Alexander.

In reply to your letter you are advised that it appears from our records that David C. Gideon, fifty years old, was, on August 24, 1899, listed by the Commission, on its doubtful list, as an intermarried citizen of the Choctaw Nation, his residence at that time being Caddo, Blue County, Indian Territory. No decision has yet been rendered by the Commission relative to the final rights of David C. Gideon to enrollment as an intermarried citizen of the Choctaw Nation.

It also appears from our records that Eliza Baxter, forty four years of age, of Blue County, was on August 22, 1899, listed for

enrollment as an intermarried citizen of the Choctaw Nation, having been admitted to such intermarried citizenship by this Commission in 1896, in James Commission case Number 196, and his name having been identified from the 1896 Census Roll of Blue County, being Number 14,322. It does not appear from our records that any person by the name of R. G. Baxter has been listed for enrollment as a citizen of the Choctaw Nation, and it is believed that this is the person to whom you refer.

It appears from our records that several persons named William Askew have been listed for enrollment as citizens of the Choctaw Nation, and before any definite information can be given you it will be necessary for you to state the full name, age, and such other information as would enable the Commission to identify the William Askew concerning whom inquiry is made.

It appears from records that a Johnnie Gravitt, three years old in 1899, the son of Maggie Gravitt, a citizen of the Choctaw Nation, and John Gravitt, a non citizen of the Choctaw Nation, has been listed for enrollment as a citizen by blood of the Choctaw Nation. It does not appear from our records that any application has been made by John Gravitt, husband of Maggie Gravitt, for enrollment as an intermarried citizen of the Choctaw Nation.

It appears from our records that Heuben V. Paddock, twenty one years of age, of Caddo, Indian Territory, was, on August 24, 1899, listed for enrollment by the Commission as a citizen by blood of the Choctaw Nation, having been identified from the 1896 Census Roll of Blue County, Choctaw Nation as Number 10475 thereon.

B.C.W. 3

It further appears from our records that James Alexander, thirty five years of age, of Ran, Indian Territory, was on September 20, 1896, listed for enrollment among the doubtful citizens of the Choctaw Nation, as an intermarried Choctaw, having been admitted to such intermarried citizenship in 1896 by this Commission in case Number 1130, and no appeal taken to the United States Court in Indian Territory. No decision has yet been reached nor opinion rendered relative to the final rights of this party to enrollment as an intermarried citizen of the Choctaw Nation.

It also appears from our records that another, James W. Alexander, six years old in 1899, son of Eliza A. Alexander, who was admitted by the United States Court for the Central District of the Indian Territory, as a citizen by blood of the Choctaw Nation, and James Alexander, a non citizen of the Choctaw Nation, has been listed for enrollment as a citizen by blood of the Choctaw Nation, pursuant to the said judgment of the United States Court. It does not appear that application has been made by James Alexander, father of James W. Alexander, to this Commission for enrollment as an intermarried citizen of the Choctaw Nation.

If these are not the persons referred to in your letter, and you will advise us more definitely as to the names and ages of the parties and such other information as would enable us to identify them on our records, the matter will receive further consideration.

Yours truly,

1
Choctaw 3898
Choctaw D359.

Huskogee, Indian Territory, October 6, 1902.

J. W. Standley,

Caddo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 2, asking whether Dr. Gideon and wife of Caddo are on the Choctaw rolls.

In reply to your letter you are advised that it appears from our records that on August 24, 1899, Nellie J. Gideon, of Caddo, Indian Territory, thirty years of age, was listed for enrollment as a citizen of the Choctaw Nation, pursuant to a judgment of the United States Court for the Central District of the Indian Territory, rendered August 30, 1897, in court case, citizenship docket number 86. On the same date, David C. Gideon, fifty years of age, of Caddo, Indian Territory, the husband of Nellie J. Gideon, was listed among the doubtful claimants to enrollment in the Choctaw Nation. No decision nor opinion has yet been rendered relative to his rights as an intermarried citizen of the Choctaw Nation.

Respectfully,

Acting Chairman.

Choctaw D 359
Choctaw 3858

Muskogee, Indian Territory, January 16, 1904.

David S. Gideon,

Caddo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 12, in which you request that the Choctaw Land Office be directed to allow you and your wife, Nellie J. Gideon to file contests against certain persons who have filed on your lands, before the Choctaw-Chickasaw Citizenship Court passes upon your claim, as the time in which you can institute contest expires February 1, 1904.

In reply to your letter you are advised that if the lands which you and your wife, Nellie J. Gideon claim, and desire to select in allotment, have been filed on by other citizens, you will be permitted to make application therefor and institute contest proceedings, upon your personal appearance at the land office for the nation in which the said land is located.

Respectfully,

Chairman.

Muskogee, Indian Territory, February 18, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of February 2, 1904, (I.T.D. 752-1904) with which is transmitted communication of David C. Gideon, of Caddo, Indian Territory, of January 12, 1904, requesting to be permitted to file a contest against certain other citizens who have selected in allotment land on which he has valuable improvements, pending the adjudication of the case of his wife, Nellie J. Gideon, by the Choctaw and Chickasaw Citizenship Court, and asking that the Commission to the Five Civilized Tribes be instructed to that end.

The Department states that under date of January 24, 1904, Honorable Spencer B. Adams, Chief Judge of the Choctaw-Chickasaw Citizenship Court has advised that the case of Nellie J. Gideon versus the Choctaw and Chickasaw Nations will be finally disposed of on February 18, 1904, and the Department, in conclusion, desires that the letter of David C. Gideon of January 12, 1904, be considered as a protest on that date, against the allotment to others of the land referred to him, and that Mr. Gideon be advised in accordance therewith.

Reporting in this matter I have the honor to advise that on November 6, 1903, a letter was addressed to David C. Gideon, Caddo, Indian Territory, in reply to his communications of October 24, 1903 and October 29, 1903, in which he states that certain persons have filed on lands claimed by him and asking what is necessary to be done in order to protect his rights in the premises, advising him as follows, after informing him that the enrollment of himself and wife has not yet been approved:

"You are informed, however, that you may appear at the Choctaw Land Office, at Atoka, Indian Territory, at any time within nine months after the respective dates on which the persons named in your letter filed on your land and make formal application for said land and institute contest proceedings therefor, if you so desire, under the following provision of the act of Congress approved July 1, 1902 (32 Stat., 641):

"After the expiration of nine months after the date of the original selection of an allotment, by or for any citizen or freedman of the Choctaw or Chickasaw tribes, as provided for in this agreement, no contest shall be instituted against such selection."

Upon the institution of contest proceedings against the persons who you state have filed on your land, the applications of said persons for selections in allotment of said land will be held in abeyance, and no further action will be taken relative thereto, pending the final determination of the rights of yourself and your wife to citizenship in the Choctaw Nation."

I have further to advise that previous to the writing of the letters of October 24 and October 29, 1903, Mr. Gideon had visited the Choctaw Land Office of the Commission at Atoka, Indian Territory, and had there been informed personally of the dates of the filings on the land claimed by him to which he refers in his said letter of October 29, 1903, and presumably he was informed at that time of the procedure in contest cases.

I have further to report that in the early part of November, just subsequent to the writing to David C. Gideon of the letter of November 6, 1903, above quoted, he was present at the general office of the Commission at Muskogee, Indian Territory, when the method of procedure was fully explained to him, and he was advised that it would be necessary for him to appear at the Choctaw Land Office and make formal application for the land, at which time he would be permitted to file a complaint in contest; that the settlement to the persons against whom the contest was filed would be held in abeyance, upon the decision of the contest, until his right to citizenship and the right of his wife, Nellie T. Gideon, to citizenship in the Choctaw Nation had been determined.

Again, on January 8, 1904, in reply to a letter from D. J. Gideon of January 1, 1904, his attention was invited to our letter of November 6, in which he was fully advised relative to the procedure in contests.

Still later, on January 16, 1904, in response to his communication requesting that the Choctaw Land Office be directed to allow him and his wife, Nellie J. Gideon, to file contests against certain persons who have filed on their lands, before the Choctaw and Chickasaw Citizenship Court passes upon their claim, as the time in which they can file contest expires February 1, 1904, he was advised as follows:

"In reply to your letter you are advised that if the lands which you and your wife, Nellie J. Gideon claim, and desire to select in allotment, have been filed on by other citizens, you will be permitted to make application therefor and institute contest proceedings upon your personal appearance at the land office for the section in which the said land is located."

I have further to report that on January 25, 1904, Nellie J. Gideon made application for the following described land at the Choctaw Land Office of the Commission at Atoka, Indian Territory, and instituted contest therefor:

Lot 1, the NE/4 of the NW/4 and the NE/4 of the SE/4 of the NW/4 of Section 31, T 5 S R 10 E, containing 2.00 acres; and the SE/4 of the SE/4 of the NW/4, the W/2 of the SE/4 of the NW/4 and Lot 2 of Section 31, T 5 S R 10 E, Choctaw Nation, Indian Territory, containing 60.23 acres.

and that on the same date she made application for the NE/4 of the NE/4 of the SW/4 of Section 31, T 5 S, R 10 E, Choctaw Nation, containing ten acres, and contest was instituted for said land on that date.

I have also to report that on January 25, 1904, David C. Gideon made application for the following land at the Choctaw Land Office, Atoka, Indian Territory, and contest proceedings were instituted therefor:

Lots 1 and 2 of Section 1 T 6 S R 9 E, Choctaw Nation, Indian Territory, containing 80.14 acres.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

7-D-359
7-D-3857

Muskogee, Indian Territory, October 26, 1906.

D. C. Gideon,

Magar, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 19, 1906, asking the status of the citizenship case of yourself, your wife and your wife's brother James Landers.

In reply to your letter you are advised that the petition for rehearing in this case under the ruling of the Department in the Choctaw enrollment case of Loula West has been received at this office and you will be notified of such action as is taken therein.

Respectfully,

Commissioner.

CHOCTAW.

D. 360

William M^d Dell.

Record transferred L.

Choctaw card #3889.

Choc D361 Sillie Perkins

Dismissed Feb 1, 1907

D361

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a
citizen by intermarriage of the Choctaw Nation of

LILLIE PERKINS.....7-D-361.

Commission to the Five Civilized Tribes,
Caddo, Indian Territory.

In the enrollment of Lillie Perkins as an intermarried Choctaw
Charles C. Armby 1st. sworn and examined by Com'r McKenna states:

Choctaw Com'r G. W. Dukes, Interpreter.)

- Q What is your name? A Charles C. Armby.
Q How old are you? A Fifty one.
Q Did you know George Perkins? A Yes sir.
Q Was he a Choctaw? A Yes sir.
Q Do you know Lillie Perkins? A Yes sir.
Q Were they married lawfully? A Yes sir.
Q Did you marry them? A Yes sir.
Q As a Judge or as a Minister of the Gospel? A As a Minister
of the Gospel.
Q About how long ago? A About 1892, I kept a record of it.

Lillie Perkins being sworn and examined testifies:

- Q What is your name? A Lillie Perkins.
Q How old are you? A Twenty-six.
Q You were lawfully married to George Perkins? A Yes sir.
Q Did you live with him until his death? A No sir.
Q You were separated from him? A Yes sir.
Q How long did you live with him? A About a year and nine
months.

And separated from him, - how long have you been separated
from him? Nearly five years.

- Q Where is he now do you know? A I don't know.
Q Where do you live? A Up on LOGAN.
Q Do you know whether he got a divorce from you or not?
A Somebody wrote to me that he had got a divorce, and signed his
name to it; it wasn't his writing though.
Q You are a white woman? A Yes sir.

Lillie Perkins, #2)

Q You know no cause of the separation? A Yes sir.

Q What was the trouble? A There was so many causes, we just couldn't get along, he mistreated me.

Q Did you leave him or did he leave you? A Just both I reckon.

Q You just quit? A Yes sir.

Q Have you ever married again? A No sir.

Lillie Perkins, recalled, testifies:

My husband would leave home and leave me with nothing to go on, and I had to leave.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to the named Commission, that this
transcript is a true and correct translation of
my stenographic notes.

M. D. [Signature]

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

Choctaw D-361.

Muskogee, Indian Territory, March 1, 1902.

Lillie Perkins,

Caddo, Indian Territory

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 9th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.



Commissioner in Charge.

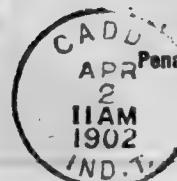


Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Handwritten scribble

*Return to
writer
unclaimed*

~~Willie Perkins,~~

Handwritten signature

~~Caddo~~

~~Indian Territory.~~

~~5306~~

Reg No $\frac{114}{113}$

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Lillie Perkins for enrollment as an
intermarried citizen of the Choctaw
Nation.

---D 361---

On the first day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Lillie Perkins for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory on the 9th day of April, 1902, for final consideration.

Now, on this 9th day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicant being called failed to appear either in person or by attorney, and the Choctaw Nation appeared by its attorneys, Mansfield, McMurray & Cornish, and submits this case upon the record.

---OXO---

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 11th day of April, 1902.

Wm. H. H. Wood
Notary Public.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Choctaw D-361

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1903.

Lillie Perkins,

South McAlester, Indian Territory.

Dear Madam:

It is the present intention of the Commission to establish
land offices in the Choctaw and Chickasaw Nations April 1, 1903.

The Act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls
as herein provided shall be entitled in any manner to partici-
pate in the distribution of the common property of the Choctaw
and Chickasaw tribes."

It will be necessary, before your right to enrollment as
an intermarried citizen of the Choctaw Nation can be determined, that
you appear before the Commission and testify as to your status on
September 25, 1902.

For this purpose the Commission has made an appointment at
Atoka, Indian Territory, March 10 to 13, 1903, and you should per-
sonally appear at said place on one of the above dates for the pur-
pose herein indicated. No further action can be taken relative to
the determination of your right to enrollment until this testimony
is received.

Respectfully,



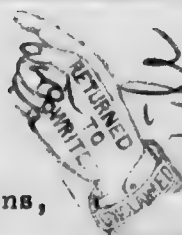
Chairman.

General Office

Choctaw Div.

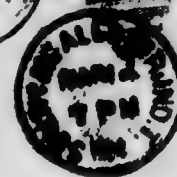
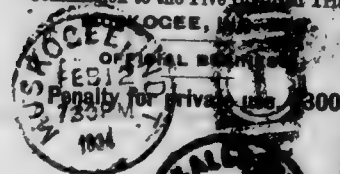
Advising that no further action
will be taken in re enrollment
until further advised by the Sec.
retary of the Interior.

Lillie Perkins,



Department of the Interior.

Commission to the Five Civilized Tribes,



COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D 361

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, February 11, 1904.

Lillie Perkins,

South McAlester, Indian Territory,

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

72-361

30

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

4 OFFICIAL BUSINESS.

Penalty for Private Use, \$3.

MAR 30 4 PM
IND. TER.

Lillie Perkins,

~~South McAlester, Indian Territory.~~

RECEIVED

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

7-D-361

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 10, 1904.

Lillie Perkins,

Care of A. W. Davis,

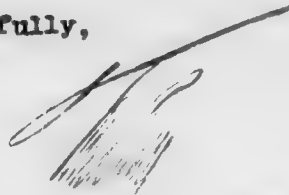
Caddo, Indian Territory.

Dear Madam:

It appears from our records that on August 24, 1899, you made application to this Commission for enrollment as an intermarried citizen of the Choctaw Nation.

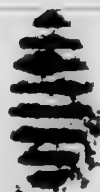
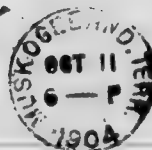
You are informed that before your application for enrollment can be given further consideration it will be necessary for you to appear in person before the Commission at its office at Muskogee, Indian Territory, for the purpose of testifying relative to your status as an intermarried citizen of the Choctaw Nation on September 25, 1902. It is important that such appearance be made with as little delay as possible.

Respectfully,



Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



Lillie Perkins,

Care of A. W. Davis,

Caney

~~Caney~~, Indian Territory

RECEIVED FOR
JAN 12 1905
JAN 12 1905
JAN 12 1905

7-D-361.

O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Lillie Perkins as a citizen by intermarriage of the Choctaw Nation.

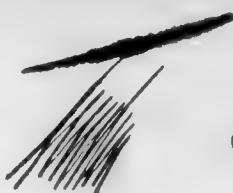
D E C I S I O N.

It appears from the census card record in this case that on August 24, 1899, application was made to the Commission to the Five Civilized Tribes at Caddo, Indian Territory, for the enrollment of Lillie Perkins as a citizen by intermarriage of the Choctaw Nation.

This office has for the past four years, through its field parties operating in the Choctaw and Chickasaw Nations and its land offices and by interviews at this office of prominent Choctaw and Chickasaw citizens of extensive acquaintance, made every effort to ascertain the whereabouts of said applicant, but no information has been obtained.

It is considered that the applicant is either dead or residing without the limits of the Indian Territory.

I am, therefore, of the opinion that the application for the enrollment of Lillie Perkins as a citizen by intermarriage of the Choctaw Nation should be dismissed, and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

SEP 1 1899

Muscogee, Indian Territory,

August 18th, 1900.

Lillie Perkins,

Osage, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its
attorney, J. H. Hester, Esq., of Newfield, Arkansas, has
filed with this Commission a notice of protest to your enrollment
as a citizen of the Choctaw Nation.

The Commission, on Monday, December 18th, 1900, will hold
a session at Muskogee, Indian Territory. At that time both you and the
Choctaw Nation will be permitted to offer additional testimony and
written arguments in this case; and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-34.

Choctaw D 361.

Muskogee, Indian Territory, May 29, 1902.

Lillie Perkins,

South McAlester, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter without date, in which you desire to be advised as to when and where you will be given a hearing in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

You are informed that on March 1, 1902, the Commission advised you by registered mail that the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation would be taken up for final consideration by the Commission to the Five Civilized Tribes at its office at Muskogee, Indian Territory, April 9, 1902. On the latter date this case was called for final consideration, and no appearance was made either by or on behalf of the applicant, and the Choctaw Nation appearing by its attorneys, Mansfield McMurray & Cornish, the case was submitted on the record then made. The Commission, therefore, considering this case closed, will at as early a date as practicable render its decision upon your application for enrollment as a citizen by intermarriage of the Choctaw Nation, on the record already made. You will be furnished with a copy of

L.P. 2

the decision and also advised of the forwarding of the record in your case to the Secretary of the Interior for review.

In view of the fact that this case is closed, the Commission cannot accept further testimony in support of your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

Chectaw D-361

Muskogee, Indian Territory, February 26, 1903.

Lillie Perkins,

South McAlester, Indian Territory.

Dear Madam:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903.

The Act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Choctaw D 361

Muskogee, Indian Territory, February 11, 1904.

Lillie Perkins,

South McAlester, Indian Territory,

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-D-361.

Muskogee, Indian Territory, August 15, 1904.

Lillie Perkins,

South McAlester, Indian Territory,

Dear Madam:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Fishemingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

7-D-361

Muskogee, Indian Territory, October 10, 1904.

Lillie Perkins,

Care of A. W. Davis,

Gaddo, Indian Territory.

Dear Madam:

It appears from our records that on August 24, 1899, you made application to this Commission for enrollment as an intermarried citizen of the Choctaw Nation.

You are informed that before your application for enrollment can be given further consideration it will be necessary for you to appear in person before the Commission at its office at Muskogee, Indian Territory, for the purpose of testifying relative to your status as an intermarried citizen of the Choctaw Nation on September 25, 1902. It is important that such appearance be made with as little delay as possible.

Respectfully,

Chairman.

returned

7-D-361.

Muskegee, Indian Territory, November 3, 1905.

Postmaster,

Caddo, Indian Territory.

Dear Sir:

On August 24, 1899, Lillie Perkins appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen by intermarriage of the Choctaw Nation. Frequent letters addressed to said applicant at her last known postoffice address at Caddo, Indian Territory, have been returned unclaimed. If you have any knowledge relative to the whereabouts of said applicant kindly notify this office of the same at your earliest convenience.

An envelope requiring no postage is enclosed herewith for reply.

Respectfully,

Commissioner.

Enc. Env.

MEMORANDA.

(Date)

Aug 21

1899.

Name

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name, *Lillie Perkins*

Choctaw ? *yes* County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship *US*

Intermarried citizen ? *yes*

Married under what law ?

License filed this day

Names of children :

.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.

As to marriage ... see ...
... of ...

1367

Choctaw D-361.

In the matter of the enrollment
of Lillie Perkins as an inter-
married citizen of the Choctaw
Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

THE CIVILIZED TRIBES
FILED
FEB 6 1911

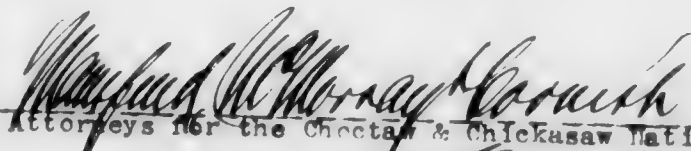
CHAIRMAN

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Lillie Perkins as a citizen by intermarriage of the Choctaw Nation,
Choctaw Field No. D-361.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.


Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER'S OFFICE, FIVE CIVILIZED TRIBES.

Caddo, Indian Territory, February 18, 1907.

In the matter of the application for the enrollment of
Lillie Perkins as a citizen by inter-marriage of the Choctaw Nation.

J. S. McGrue, being first duly sworn and examined,
testifies as follows:

ON BEHALF OF COMMISSIONER:

- Q What is your name? A J. S. McGrue.
Q How old are you? A Thirty-seven.
Q What is your postoffice address? A Caddo, I.T.
Q Are you personally acquainted with a woman by the name of
Lillie Perkins? A Yes, sir.
Q Is she any relation to yourself? A No.
Q What is the name of her father? A William Winton.
Q What is the name of her mother? A Mary E. Winton, but they
called her Mollie Winton.
Q When was Lillie Perkins born? A October 29, 1872, I believe.
Q How many times was this Lillie Perkins married? A Twice.
Q What are the names of her husbands? A The first one was Ike
Jones.
Q When was she married to Ike Jones? A In '88 or '89, I won't
be positive which.
Q Did she procure a divorce or did he die? A He died.
Q Who was her second husband? A George Perkins.
Q When did she marry this George Perkins? A I think she was
married about in 1885.
Q Was this George Perkins a citizen of either the Choctaw or
Chickasaw Nation? A Yes, sir, he was a citizen of the
Choctaw or Chickasaw Nation, I am not sure which.
Q Do you know the name of his father? A David Perkins.
Q Was David Perkins either a Choctaw or Chickasaw citizen? A
Yes, sir, he was a Choctaw citizen.
Q What was the name of his mother? A I don't remember.
Q Do you know if she was a Choctaw or Chickasaw? A Yes, sir,
she was either a Choctaw or Chickasaw, I don't know which.
Q How long did Lillie Perkins and her husband, George Perkins
live together? A About two years, I think.
Q They were then separated, were they? A Yes, sir.
Q Do you know if they have lived together since the time of
their separation? A No, sir, not that I know of.
Q Where has Lillie Perkins lived since the time of their
separation? A She has lived here part of the time, but I
don't know where she is now. The last I heard from here, I
got a letter from South McAlester, about five years ago.
Q Do you remember when she left this place? A About five years ago.
Q Did she leave then to go to South McAlester? A She left here
and shortly after I got a letter from her at South McAlester
telling me to send her house hold goods to her there.
Q Do you know where she now lives? A No, sir, I don't.
Q Do you know if she is still living? A No, sir, I don't.
Q Do you know where her former husband, George Perkins now lives?
A He lives near Edo, between Edo and Wilburn, and in that
neighborhood.
Q Do you know what his office address is? A It used to
be so, but I think it is some little town near now.
Q Do you know if Lillie Perkins has ever demanded a title for
land in the Choctaw Nation? A No, sir, not that I
know of.

Lillie Perkins.

- 2 -

Q And it has been about five years since you last heard from Lillie Perkins? A Yes, sir.

(Witness excused)

I, Fay E. Blackert, stenographer to the Commissioner to the Five Civilized Tribes, upon oath, state that I reported the proceedings in the above and foregoing cause, and that the same is a true and correct transcript of my stenographic notes taken therein.

Fay E. Blackert

Subscribed and sworn to before me this 19th day of February, 1907.

Richard H. Hargrett
Notary Public.

362

Wilmington

Transferred to Chert

**5749*

HOCTAW D

II-363

ary E. Robinson

GRANTED

*and transferred
to Choctaw 3608*

MAY 15 1905

CHOCTAW D 364

Harry A. Trice

GRANTED.

*and transferred
to Choctaw 3608*

MAY 15 1905

CHOCTAW

D. 3.

Charles W. Seagr, et al
#365

Record transferred to Choctaw
card #5654.

Choc D 366 James N. Johnson

Dismissed May 27, 1904

D 366

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment
as a citizen by intermarriage of the Choctaw Nation of:

James N. Johnson

7-D-366.

-----o-----

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of James N. Johnson for enrollment as an intermarried citizen of the Choctaw Nation.

----D 366---

On the first day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of James N. Johnson for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 9th day of April, 1902, for final consideration.

Now, on this 9th day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicant being called failed to appear either in person or by attorney, and the Choctaw Nation appears by its attorneys, Mansfield, McMurray and Cornish, and submits this case upon the record. |

-----O-----

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 11th day of April 1902.

Mansfield McMurray

Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO THE FOLLOWING

Choctaw 5-366.

Muskogee, Indian Territory, March 1, 1902.

James N. Johnson,

Caddo, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 5th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

I. D. J. COOK.
Commissioner in Charge.

Commission to the Five Civilized Tribes,
Cando, Indian Territory.

In the enrollment of James M. Johnson as an intermarried Choctaw; being sworn and examined by Com'r McKenna he testifies:

- Q What is your name? A James M. Johnson.
- Q How old are you? A Twenty-three.
- Q You see here a license dated July 28th 1899 signed by the County Clerk- issued by the County Clerk of Red River County, Choctaw Nation, to marry Eva A. Riddle; was this your first marriage to her? A No sir.
- Q When did you marry her before? A In November, 1897.
- Q Where? A In Texas.
- Q Her name, then, wasn't Riddle, but Johnson, when you married her the last time? A Yes sir.
- Q Had you been separated or divorced from her? A No sir.
- Q How long have you been living in the Territory? A I came here in December 1897.
- Q You hadn't been living here, then, two years when this was issued to you? A No sir.
- Q What day of December, 1897, did you come here? A I disremember exactly, it was between the 5th and 10th of December that I got here.
- Q Your wife is named what? A Eva A. Johnson.
- Q Is she here? A No sir, she is at home to-day.
- Q She was admitted by the United States Court at South McAlester August 30th 1897 as Eva A. Riddle? A Yes sir.
- Q What time did you marry her? A In November of 1897.

Dep. Sec. Interior,

Washington, D.C.

Received

Nov 1 1899

by

John H. ...

...

INDIAN TERRITORY.
Blue County, Choctaw Nation.

SS.

I, C. W. James Clerk of the County court of said county, do hereby certify
that the foregoing instrument of writing, dated the 28 day of July, 1899, with its Certificate of Authentication,
was filed for record in my office the 7 day of August, 1899, at — o'clock — M., and duly recorded this
7 day of August, 1899, at — o'clock — M., in the records of said County, in Volume A,
on Pages 163. WITNESS my hand and seal of the county court of said county, at office in Caddo, the day
and year last above mentioned.

C. W. James

Clerk, County Court, Blue County.

Clerk County Court, Red River

and the said above mentioned

on the

WITNESS my hand and seal of the County of Red River, this 12th day of July, 1891.

day of

1891

was filed for record in my office the

day of

1891

that the foregoing instrument of writing dated the

day of

1891, with the certificate of authentication

I, Clerk of the County Court of said County, do hereby certify

Red River County, Choctaw Nation

Red River County.

To any Ordained Minister of the Gospel or Judge of a Court of Record:

THIS Certifies that J. M. Johnson a citizen

of the U. S. has filed a petition in the Clerk's office, recommended by ten citizen signers, proposing to

marry Eva A. Riddle a citizen of the Choctaw

Nation. And now therefore, by virtue of the authority in me vested by the laws of said Nation, have

caused this license to be issued, and that the said J. M. Johnson

a citizen of the U. S. having taken the oath of allegiance, is entitled to all

rights, privileges and immunities as guaranteed to citizens by blood.

WITNESS my hand and seal this 12th day of

A. D. 1891

County Clerk Red River County, C. N.

INDIAN TERRITORY.

Blue County, Choctaw Nation.

} 88.

I, C. W. James Clerk of the County court of said county, do hereby certify that the foregoing instrument of writing, dated the 6 day of August 1897, with its Certificate of Authentication, was filed for record in my office the 7 day of August 1897 at — o'clock — M., and duly recorded this 7 day of August 1897 at — o'clock — M., in the records of said County, in Volume A on Pages 65. WITNESS my hand and seal of the county court of said county, at office in Caddo, the day and year last above mentioned.

C. W. James

Clerk. County Court, Blue County.

Clerk County Court Rice County

and also last above mentioned.

on Baker WITNESS my hand and seal of the County Court of said County at my office on the day
day of 1899 at o'clock M. in the presence of said County in which
was filed for record in my office the day of 1899 at o'clock M. and duly recorded the
that the foregoing instrument of writing dated the day of 1899 with its certificate of authentication
I Clerk of the County Court of said County do hereby certify

To Whom It May Concern:

This is to certify that I did on the 6th. day of August, 1899, cele-
brate the rights of matrimony between J. N. Johnson, a white man and a cit-
izen of the United States
izen of the ~~Choctaw Nation~~, and Eva Riddle, a Choctaw woman, according to
the laws and customs of the Choctaw Nation.

R. G. Freney
Judge County & Probate Court B. C. C. N.

9610
7-D-366.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

- - - - -0- - - - -

In the matter of the application of James N. Johnson for enrollment as a citizen by intermarriage of the Choctaw Nation.

- - - - -0- - - - -

The applicant, James N. Johnson, claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage to one Eva A. Johnson, nee Riddle. The right of the applicant's wife, Eva A. Johnson, nee Riddle, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of March 28, 1904, in case No. 108, upon the South McAlester docket of said court, it is hereby ordered that the application of James N. Johnson for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.

Muskogee, Indian Territory,

COPY!

7- D- 366

Muskogee, Indian Territory, June 8, 1904.

James N. Johnson,
Caddo, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Jams Bixby.

Chairman.

Registered.

Incl. 7- D- 366.

Registered.

COPY. Choctaw D-366

~~CONFIDENTIAL~~

Muskogee, Indian Territory, June 6, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order
of the Commission to the Five Civilized Tribes, dated May 27,
1904, dismissing the application for enrollment as a citizen
by intermarriage of the Choctaw Nation of James N. Johnson.

Respectfully,

~~RECORDED~~

James Bixby.

Chairman.

Registered.

Incl. 7-D-366.

(See Choctaw R-650 for registry receipt for this letter

Muscogee, Indian Territory,

August 16th, 1900.

James M. Johnson,

Caddo, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Corliss, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-3 .

Maskagoe, Indian Territory, September 18, 1900.

James W. Johnson,

Caddo, Indian Territory.

Dear Sir:-

Since notifying you on August 16, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised is to your right to enrollment under your second marriage.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

7- D- 366

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 8, 1904.

James N. Johnson,

Caddo, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,



Registered.

Incl. 7- D- 366.

Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

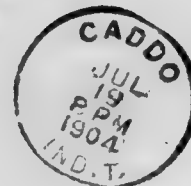
Present-Address Unknown
Reg. #19

12928

James H. Johnson,

~~Caddo, Indian Territory.~~

67-507-104



W D 367

Ma L. Smith

Record transferred to
Boctaw card # 3934.

D. 368

Eliza Ward, et al.

Record Transferred to Choctaw
card # 3930

D. 369

Rebecca Hamilton, et al.

Record transferred to Choctaw
card * 5741

D 370

Joseph M. Hard, et al

Record transferred to Choctaw
card #5678.

CHARTER

D. 371

Howard Tondree, et al.

Record transferred to Choctaw
card # 5683

D. 372
Carnest Carroll, et al.

Record transferred to Choctaw
card *5751

D. 373

Ober L. Shannon

Record transferred to Chartas
card #3937.

D. 374

Noah M. Perry.

Record transferred to
Choctaw card #3941

D. 375

Refus Tolbert

Record transferred to
Choctaw card #5655

D. 376

William P. Jones

Record Transferred to
Choctaw card # 5742.

0377

D377

OFFICES OF THE
CHOCTAW NATION.

REFUSED, DEC 11 1902

OF DECISION FORWARDED
APPLICANT DEC 11 1902

OF DECISION FORWARDED
FOR APPLICANT, DEC 11 1902

OF DECISION FORWARDED
FOR CHOCTAW AND
NATIONS. DEC 11 1902

CORD FORWARDED DEPARTMENT.
DEC 11 1902

ACTION APPROVED BY
SECRETARY OF INTERIOR.
JUL 15 1903

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUL 31 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.
JUL 31 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUL 31 1903

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, February 15, 1901.

7-D-377.

In the matter of the application for enrollment as citizens of the Choctaw Nation of Sallie E. Jordan, and the right to elect for herself and children to be finally enrolled as citizens of the Choctaw or Cherokee Nation under the Act of Congress of June 28th, 1898.

The records of the Commission show that on August 25th, 1899, Sallie E. Jordan, twenty four years of age, was listed for enrollment as a doubtful claimant to citizenship in the Choctaw Nation, together with her three children, Lon, aged six, David, aged four, and Jane, aged two years, Mrs. Jordan and her first two children being identified from the 1896 Census Roll of the Choctaw Nation, as residents of Blue County, number 7228, 7229 and 7230, respectively. They appear upon the records of applicants for enrollment as citizens of the Choctaw Nation on Choctaw roll card, Field Number D-377. On February 15th, 1901, at Muskogee, Indian Territory, Sallie E. Jordan, twenty-five years of age, appeared before the Commission and made application for the enrollment of herself and her three minor children, Joseph L., seven-years, Johnathan D., aged five, and Evaline Jordan, aged three. Mrs. Jordan and her first two children are identified by the Commission from the 1896 Census Roll of the Cherokee Nation, Canadian District, number 1043, 1045 and 1046, respectively, and appear upon the record of applicants for enrollment as citizens of the Cherokee Nation, on Cherokee roll card, Field Number D-1104.

Sallie E. Jordan, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A My name? Sallie E. Jordan.
Q How old are you? A Twenty five.
Q What is your post-office address? A McLain.
Q Is that in the Cherokee Nation? A Yes sir.
Q What is your father's name? A Clay Freeman.
Q Is he a citizen of the Cherokee Nation? A No sir.
Q Does he belong to any of the Five Tribes in the Indian Territory? A Yes sir; he is a Choctaw.
Q Choctaw by blood? A Yes sir.
Q How much Choctaw blood has he? A I don't know.
Q Was his other and father both Choctaws? A His father was a white man.
Q His mother was a Choctaw? A Yes sir.
Q He had no rights in any other tribe except as a Choctaw?
A No sir; not that I know of.
Q What was your other's name? A Her name was Mary Freeman.
Q To what tribe does she belong? A Cherokee.
Q How long have you lived in the Cherokee Nation? A I have

Sallie E. Jordan, et al., #2.

lived here eleven years.

Q You have applied for the enrollment of yourself and your children as citizens of both the Choctaw and Cherokee Nations?

A I didn't know I was registered in the Choctaw Nation.

Q Haven't you made any application to be enrolled as a Choctaw?

A No sir; papa wrote to me and asked me if I wanted to be enrolled down there, and I wrote back and told him that I would enroll up here.

Q Well, did you authorize your father to make an application for you as a Choctaw? A No sir; not that I remember of.

Q Have you ever been before the Commission before you appeared before them as an applicant for enrollment as a Cherokee to-day?

A No sir.

Q This is the first time, to-day, that you have made application for enrollment to the Commission? A Yes sir.

Q On August 25th, 1899, at Caddo, in the Choctaw Nation, an application was made for the enrollment of yourself and your three children as citizens of the Choctaw Nation; do you know anything about that application? A When?

Q On August 25, 1899, a year ago last August? A No sir; I don't think I do. I never appeared in the Choctaw Nation to enroll in my life.

Q You state that you had lived in the Cherokee Nation for the past eleven years? A Well, I was raised in the Choctaw Nation up until Eleven years ago.

Q Since you left the Choctaw Nation eleven years ago, have you ever received any benefits as a Choctaw citizen? A Yes sir.

Q Did you participate in the 1893 Leased District payment made there, seven years ago? A Yes, I believe I did.

Q How much money did you get? A One hundred and three dollars; but I was living there.

Q But you did draw that money? A Yes sir.

Q Did you draw the Cherokee strip payment money in 1894 in the Cherokee Nation? A Yes sir.

Q Did you draw for any of your children in the 1893 payment; the Choctaw payment in 1893? A No sir.

It appears from the records of the Choctaw Nation in possession of the Commission, on the 1893 pay roll of Blue County, on page 40, number 420, that Sallie Freeney, the daughter of R.C.Freeney, drew one hundred and three dollars, Leased District payment.

Q Now, after you married Mr. Jordan, you moved to the Cherokee Nation? A I married him in the Cherokee Nation.

Q Were you ever adopted by the Cherokee Council as a citizen? A Why, I suppose I was.

Q When was that? A Why, I don't know how long its been - about -

Q About how long ago was that, when you was admitted to citizenship as a Cherokee? A I don't know how long it has been.

Q When you first came to the Cherokee Nation? A Papa registered us before I came to the Nation.

Q Well, Mrs. Jordan, were these children, Joseph, Johnathan and Evaline, all born in the Cherokee Nation? A Yes sir.

Q Always lived there? A Yes sir.

Q Never lived anywhere else? A No sir.

Sallie E. Jordan, et al., #3.

Q It appears from the records of the Choctaw and Cherokee Nations, in possession of the Commission that you and your children have been registered and enrolled by both the Choctaw and Cherokee tribal authorities as citizens of these two Nations. The Act of Congress of June 28, 1898, under which the Commission is preparing a roll of citizenship of the Five Tribes of the Territory, provides that:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distributions of money belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be entolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

Now, do you desire to elect for yourself and your children to have your names finally enrolled upon the rolls of citizenship of the Choctaw or Cherokee Nation? A I don't understand you.

Q You understand this law I read, don't you? A Yes sir.

Q Now, do you elect for yourself and your children to have your names placed upon the final rolls as citizens of the Choctaw or of the Cherokee Nation? A The Cherokee Nation.

Q Now, in the event the Commission enrolls you, and your name is approved upon the final rolls of the citizens of the Cherokee Nation, as submitted to the Secretary of the Interior, do you relinquish, for yourself and your children, all right, title and interest you might have in any manner to the lands, moneys and other tribal properties of the Choctaw Nation? A Yes sir.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings in the above entitled and numbered cause, and that the above and foregoing is a full, true and correct copy of his stenographic notes therein.

(R. S. Streit)
Subscribed and sworn to before me this 16th day of February, 1901.

Wm. L. Emerson

Notary Public.

(Copy)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 15th, 1901.

In the matter of the application of Sallie Emily Jordan for the enrollment of herself and children as citizens of the Cherokee Nation; said Jordan being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Sallie Emily Jordan.
Q How old are you? A 25.
Q What is your post office? A Molain.
Q In what district do you live? A Canadian.
Q Who is it you want to enroll, just yourself? A Myself and three little children.
Q Have you a husband? A No, sir.
Q Are you a Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Eleven years.
Q Give me the name of your father? A Clay Freeny.
Q Is he dead? A No, sir.
Q Give me the name of your mother? A Mary Freeny.
Q Is she dead? A Yes, sir.
Q You have been married? A Yes, sir.
Q How many times? A Twice.
Q To whom were you married first? A John Turnbull.
Q Is he dead or alive? A Dead.
Q Was he a Cherokee or white man? A Choctaw.
Q When did he die? A He died in '89.
Q Then you must have married very young? A I was 15.
Q And after that you married your second husband? A Yes, sir.
Q Give me his name? A Joe Jordan.
Q Was he a Cherokee or white man? A Cherokee.
Q Is he dead? A Yes, sir.
Q When did he die? A 1897.
Q Have you certificates of marriage to these men? A I haven't with me.
Q Is there anyone here that knows that you were married? A Yes, sir.
Q Now your father or mother was admitted to citizenship by the Cherokee Commission or Council were they; have you a certificate showing that your father and mother were admitted to citizenship? A No, sir, I haven't.

Com'r Breckinridge:--It is shown by the printed record in the possession of the Cherokee representatives present that Sarah E. Freeny was admitted to citizenship by the Cherokee Council December 20th, 1889. She is identified with her family as among those admitted at that time.

Q Now after your admission you came to the Cherokee Nation eleven years ago? A Yes, sir.
Q Was that after the death of your first husband? A No, sir.
Q Before he died? A Yes, sir.
Q Was it before you married him? A No, sir.
Q Well, you and he were married? A Yes.
Q And your last husband is a Cherokee citizen? A Yes, sir.
Q Was your last husband lived in the Cherokee Nation all his life? A No, sir; I don't know just how long; he has lived here; he came here when he was quite young.
Q How old was your last husband when he died? A 36 years old I believe.
Q Now give me the names of your children? A Joseph Lane Jordan.
Q How old is that child? A He is seven years old.

Sallie E. Jordan--2.

Q The next child? A Johnathan David, he is five.
Q The next child? A Evelina.
Q How old is that child? A She is three years old.
Q Are these children all living now? A Yes, sir.
Q Living with you in the Cherokee Nation? A Yes, sir.
Q When were you and Joe Jordan married? A '90.
Q About '90? A Yes, sir.
Q You say this lady knows of your being married? A Yes, sir, my mother-in-law.

SARAH A. JORDAN, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name, madam? A Sarah A. Jordan.
Q What is your age? A I am 69 years old, the 3d day of last November.
Q What is your post office? A McLain.
Q Do you live in the Cherokee Nation? A Yes, sir.
Q In what district do you live? A Canadian.
Q Do you know this lady here, Sallie E. Jordan? A I do.
Q Was she married to your son? A Yes, sir.
Q His name was Joseph Jordan was it? A Yes, sir.
Q Did your son, Joe Jordan, live in the Cherokee Nation all his life? A No, sir.
Q What time did he go there, how old was he? A He must to have come to the Cherokee Nation about '58, as well as I recollect.
Q Well did you know this lady before she married your son, Joseph?
A Well I had seen her but I was not very well acquainted with her.
Q What was her name at the time she married your son? A Turnbull, I believe.
Q She had been married to a man named Turnbull? A Yes, sir.
Q What was her name before she married Turnbull? A Freeny.
Q Did you know her or any of her family before she married Turnbull?
A No, sir, I did not know her until she was a widow.
Q Did you know and always understand that she was a Freeny? A Yes, sir; I saw her mother and knew that she was a Freeny.
Q You know that she is a daughter of Mary Freeny? A Yes, sir.
Q Always passed as her daughter? A Yes, sir.
Q Claimed as her daughter? A Yes, sir.

Tribal rolls of the Cherokee Nation examined and applicants' names found thereon as follows:

1860 Authenticated Roll; page 27, #757, Joe Jordan, Canadian district.
1896 Census Roll; page 38, #1042, Joseph Jordan, Canadian district.
1896 Census Roll; page 38, #1043, Sallie E. Jordan, Canadian district.
1896 Census Roll; page 38, #1045, Joseph E. Jordan, Canadian district.
1896 Census Roll; page 38, #1046, Jonathan E. Jordan, Canadian district.

SALLIE E. JORDAN, the Applicant, re-called, testified as follows:

Q Have you a copy of the Act of Council admitting you to citizenship in 1889? A No, sir.
Q Have you applied for enrollment in the Choctaw Nation? A No, sir.
Q You are not claiming citizenship or enrollment at all in the Choctaw Nation? A No, sir.

Sallie M. Jordan--3.

Q Nor Chickasaw Nation? A No, sir.

Com'r Breckinridge:--The applicant applies for the enrollment of herself and three children: She is shown by the printed list of re-admitted citizens in the possession of the Cherokee representative present to have been admitted to citizenship by the Cherokee Council December 20th, 1889. She states that she has lived in the Cherokee Nation for eleven years, having come to the Cherokee Nation with her first husband under that Act of admission, and that she has lived in the Cherokee Nation ever since. Her changes of name arising from marriage, she having been married twice, is satisfactorily established by her own testimony and by the testimony of the mother of her last husband. Her last husband, the father of these children and who is now deceased, is identified on the rolls of 1889 and 1896 as a Cherokee by blood. The applicant herself is identified on the roll of 1896 with her husband and she will now be listed for enrollment as a Cherokee by blood, but she is desired to supply the Commission with an official copy of the Act of Council admitting her to citizenship in 1889 and she will for the present be placed upon a doubtful card.

Of the three children named in the testimony the first two are duly identified on the roll of 1896. They are living and will be listed for enrollment as Cherokees by blood, on the card with their mother. When she supplies the Commission with a proper certificate of the birth of her youngest child, Evelina, this child will also be listed for enrollment as a Cherokee by blood on the card with its mother.

SUPPLEMENTAL to the above Application: SALLIE M. JORDAN, the Applicant, re-called, testified as follows:

- Q You were never married except to these two husbands? A No, sir.
Q Your first husband, was he ever married except to you? A No, sir.
Q Your second husband, was he ever married except to you? A Yes, sir.
Q How many times before he married you? A Once.
Q Was that wife dead when he married you? A No, sir.
Q She was not dead? A No, sir.
Q Had he been divorced from her? A Yes, sir.

---JANUARY 1891---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 10th day of February, 1901.

(Signed) C. J. Breckinridge.

Commissioner.

7-D-377

IN RE

Application for Enrollment of

INFANT CHILD

Janis Evaline Jordan

as a citizen of the

Choctaw Nation.

Approved. *Dec 13 1899*

A. S. McKennon
Commissioner.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Copy

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
 of Janie Coaline Jordan born on the 23rd day of July, 1897
(Here insert name of child)
 Name of Father: Joseph M. Jordan, a citizen of the Cherokee Nation.
 Name of Mother: Sally Jordan, a citizen of the Choctaw Nation.
 Post-Office: Macon, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Sally Jordan, on oath state that I am 24
 years of age and a citizen, by Blood, of the Choctaw Nation;
 that I am the lawful wife of Joseph M. Jordan ~~(deceased)~~ ^{was} who ~~is~~ a citizen, by
Blood, of the Cherokee Nation, that a girl child was
(Male or female.)
 born to me on the 23rd day of July, 1897; that said child has been
 named Janie Coaline, and is now living.

(Signed) Sally Jordan

WITNESSES TO MARK:

(Must be Two
 Witnesses.)

Subscribed and sworn to before me this 4th day of November, 1897.

{ Seal }

(Signed) Joshua Ross

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Sally E. Jordan, a midwife, on oath state that I
 attended on Mrs. Sally Jordan, wife of Joseph M. Jordan,
 on the 23rd day of July, 1897; that there was born to her on said
 date a girl child; that said child is now living and is said to have been
(Male or female.)
 named Janie Coaline.

(Signed) Sally E. Jordan ^{Her} _{mark}

WITNESSES TO MARK:
 Attest: Joshua Ross
Amie B. Ross

Subscribed and sworn to before me this 6th day of November, 1897.

{ Seal }

(Signed) Joshua Ross

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application for the enrollment of
Sallie E. Jordan, and her three minor children, Len, David and
Jane Jordan as citizens of the Choctaw Nation, by blood.

--: DECISION :--

It appears from the census card records of the Commission to the Five Civilized Tribes, that on August 25, 1899, Sallie E. Jordan appeared before the Commission at Gads, Indian Territory, and made application for the enrollment of herself and her three minor children, Len, David and Jane Jordan as citizens by blood of the Choctaw Nation.

The name of the principal applicant, Sallie E. Jordan, is identified upon the 1893 Leased District payment roll of the Choctaw Nation, Blue County, page 40, No. 420, as Salla Freeny. The names of the principal applicant, Sallie E. Jordan and her two minor children, Len and David Jordan, are also identified from the 1898 Choctaw census roll of the Choctaw Nation, Blue County, Nos. 7228, 7229 and 7230, respectively.

The minor applicant, Jane Jordan, having been born subsequent to the preparation of the last tribal roll of the Choctaw Nation, evidence of her birth is filed herewith.

It further appears from the records of the Cherokee Nation in the possession of the Commission to the Five Civilized Tribes, that these applicants have also been recognized and enrolled by the Cherokee tribal authorities as citizens of that Nation.

On February 15, 1901, the principal applicant, Sallie E. Jordan, personally appeared before the Commission at Muskogee, Indian Territory, and elected for herself and her three minor children, to be finally enrolled as citizens of the Cherokee Nation, under the following provision of the act of Congress approved June 25, 1898 (30 Stats., 498):

The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

On August 11, 1902, the Commission to the Five Civilized Tribes rendered a decision granting the application of Sallie (E) Jordan, and her three minor children, Joseph L. (Lon), Jehnathan D. (David), and Evelina (Jane) Jordan, for enrollment as citizens by blood of the Cherokee Nation, and their names have been included upon the final rolls of the citizens by blood of the Cherokee Nation prepared by the Commission to the Five Civilized Tribes, Nos. 21394, 21395, 21396 and 21397, respectively.

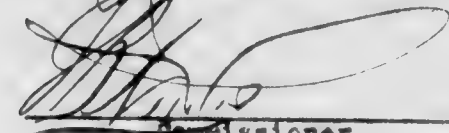
Section twenty-nine of the act of Congress approved July 1, 1902 (32 Stats., 641), provides as follows:

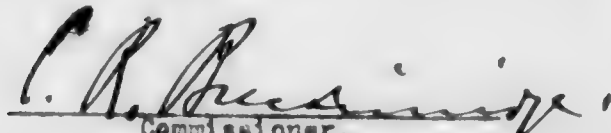
"No person whose name appears upon the rolls made by the Commission to the Five Civilized Tribes as a citizen or freedman of any other tribe shall be enrolled as a citizen or freedman of the Choctaw or Chickasaw nations."

The principal applicant having elected for herself and her three minor children to be finally enrolled as citizens by blood of the Cherokee Nation, and having been so enrolled by the Commission to the Five Civilized Tribes, it is, therefore, the opinion of this Commission that the application for the enrollment of Sallie E. Jordan and her three minor children, Lon Jordan, David Jordan and Jane Jordan as citizens by blood of the Choctaw Nation should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

DEC 11 1902

Choctaw D. 377

Muskogee, Indian Territory, December 11, 1902.

Sallie H. Jordan,

McLain, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for the enrollment of yourself and your three minor children, Lon Jordan, David Jordan and Jane Jordan, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

James L. May.

Acting Chairman.

Registered.

Enc. IBS-14-

Choctaw D. 377

Muskogee, Indian Territory, December 11, 1902.

A. Telle,
Attorney-at-Law,
Atoka, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Sallie E. Jordan, and her three minor children, Lon Jordan, David Jordan and Jane Jordan, as citizens of the Choctaw Nation.

The decision with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

James M. Smith
Acting Chairman.

Registered.

Enc. IBS.-15-

Choctaw D. 377

Muskogee, Indian Territory, December 11, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Sallie F. Jordan, and her three minor children, Lon Jordan, David Jordan and Jane Jordan, as citizens of the Choctaw Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(Signed)

James L. Hasty

Acting Chairman.

Enc. IBS.-16-

Muskogee, Indian Territory, December 11, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Sallie E. Jordan for the enrollment of herself and her three minor children, Lon Jordan, David Jordan and Jane Jordan, as citizens of the Choctaw Nation, including the decision of the Commission, dated December 11, 1902, denying said application.

Respectfully,

Acting Chairman

Choctaw D. 377

Through the
Commissioner of Indian Affairs.

COPY.

7-B-377.

Muskogee, Indian Territory. December 18, 1902.

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on December 11, 1902, the Commission rendered its decision refusing the application for enrollment as citizens of the Choctaw Nation of Sallie E., son, David and Jane Jordan; and the applicants, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations were duly notified of such action on the same date.

You will be further notified of the action of the Secretary of the Interior in said case.

Respectfully,

(SIGNED).

Acting Chairman.

D.C.13439

CMR

TP
ITD 5544-1903.

C O P Y
DEPARTMENT OF THE INTERIOR.
WASHINGTON July 15, 1903.

The Commission
to the Five Civilized Tribes.

Gentlemen:

July 11, 1903, the Commissioner of Indian Affairs transmitted the papers in the case involving the application of Sallie E. Jordan for the enrollment of herself and her minor children, Lon, David, and Jane Jordan, as citizens of the Choctaw Nation by blood.

It appears that these applicants have been recognized and enrolled by the Cherokee tribal authorities as citizens of that nation; that on February 15, 1901, the principal applicant personally appeared before your Commission and elected for herself and said children to be enrolled as citizens of the Cherokee Nation, under the provisions of the act of June 28, 1898 (30 Stats., 495); and that on August 11, 1902, you rendered a decision granting the application for enrollment as citizens of the Cherokee Nation, and their names have been included upon the final rolls as citizens by blood of that nation, prepared by you.

December 11, 1902, you rendered your decision in this case, holding that as the principal applicant had elected for herself and children to be enrolled as citizens by blood of the Cherokee Nation, and having been so enrolled by the Commission, they are not entitled

-2-

to be enrolled as citizens by blood of the Choctaw Nation; and you rejected the application, referring to section 29 of the act of July 1, 1902 (32 Stat., 641).

The Commissioner of Indian Affairs recommends that your decision be concurred in. Finding no reason for disturbing your decision it is hereby affirmed.

A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

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Land
74386-1902.

C O P Y
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

July 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith report from the present Chairman of the Commission to the Five Civilized Tribes, dated December 11, 1902, forwarding, for the Department's consideration, the record relative to the application of Sallie E. Jordan, for the enrollment of herself and her three minor children, Lon, David and Jane Jordan, as citizens by blood of the Chectaw Nation.

December 11, 1902, the Commission held that the applicants were not entitled to enrollment.

The name of Sallie E. Jordan appears on the lease district payment roll of the Chectaw Nation, and she and the other applicants, except Jane Jordan, are identified by the 1896 Chectaw census roll.

Jane Jordan was born after the 1896 roll was made and is properly identified by birth affidavit.

These applicants, the record shows, have been enrolled as citizens of the Cherokee Nation, and the principal applicant has elected to select allotments in that Nation for herself and her minor children.

Clay Freeman, father of the principal applicant, is a Cherokee.

Under the provisions of the Curtis act citizens having rights in more than one nation may elect in which nation they will accept those rights. These applicants having been enrolled as citizens of the Cherokee Nation, and the principal applicant having elected to take allotments for herself and children in that Nation, are not entitled to enrollment as Choctaws, and the approval of the Commission's decision adverse to their enrollment as citizens of the Choctaw Nation is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

GAY-O.

Choctaw-D-377.

COPY.

Muskogee, Indian Territory, July 31, 1903.

Sallie E. Jordan,

McLain, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior, under date of July 15, 1903, affirmed the decision of this Commission, dated December 11, 1902, refusing the application for enrollment of yourself and your minor children, Lon Jordan, David Jordan and Jane Jordan as citizens of the Choctaw Nation.

Respectfully,

I. B. Noodles.

Commissioner in Charge.

Choctaw D-377

COPY.

Muskogee, Indian Territory, July 31, 1903.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior, under date of July 15, 1903, affirmed the decision of this Commission dated December 11, 1902, refusing the application for enrollment of Sallie E. Jordan and her three minor children Lon Jordan, David Jordan and Jane Jordan as citizens of the Choctaw Nation.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Choctaw D-377

Muskogee, Indian Territory, July 31, 1903.

Cherokee Enrollment Division,
Commission to the Five Civilized Tribes,
Gentlemen:

You are hereby notified that the Secretary of the Interior, under date of July 15, 1903, affirmed the decision of this Commission dated December 11, 1902, refusing the application for the enrollment of Sallie E. Jordan and her minor children Lon Jordan, David Jordan and Jane Jordan as citizens of the Choctaw Nation.

Respectfully,

(SIGNED).

E. D. Needles.

Commissioner in Charge.

COMMISSIONERS:
HENRY L. DAWES,
THOMAS BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNORRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muscogee, Indian Territory,

August 18th, 1900.

Sallie E. Jordon,

Crowder, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Len, David, and Jane Jordon as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Thomas Bixby
Acting Chairman.

7-D- 377.

Washington, Indian Territory, September 18, 1900.

Callie E. Jordan,

Crowder, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised, is as to your Cherokee blood.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, February 16, 1901.

Hon. Tamm Blunt,

Acting Chairman Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed you herewith the original and three carbon copies of testimony taken in the matter of the application for enrollment as citizens of the Choctaw Nation of Sallie E. Jordan and her three minor children and her election to be finally enrolled as a citizen of the Cherokee Nation under the provisions of the twenty first section of the act of Congress of June 28th, 1898.

Mrs. Jordan and her three children appear upon the records of applicants for enrollment as citizens of the Choctaw Nation on Choctaw roll card, field No. D 377.

The testimony enclosed you herewith is for transmission to the records of applications for enrollment as citizens of the Cherokee Nation.

Yours truly,

Enc b

7-D-377

Clerk in Charge Choctaw-
Chickasaw Enrollment Division

Maskagee, Indian Territory, December 8, 1902.

A. Telle,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of November 22, relative to the rights of Mrs. Sarah E. McLain, formerly Sarah E. Jordan, and her three minor children to be enrolled as citizens of the Choctaw Nation.

You state in your letter that Mrs. McLain, under the name of Sarah E. Jordan, was listed for enrollment as a citizen of the Choctaw Nation, at Caddo, Indian Territory, in August, 1892, and that also being on the Cherokee tribal rolls, she was under the impression it was best for her to elect to be enrolled as a Cherokee with her husband who was a Cherokee citizen; but that since the death of her Cherokee husband, she has married Mr. McLain, and now desires to change her election and to have herself and her three minor children finally enrolled as citizens of the Choctaw Nation.

In conclusion you desire to be informed, if her enrollment as a Cherokee citizen has not already been forwarded for approval, that she be permitted to elect at this time for herself

A T 2

and her children to be enrolled as citizens of the Choctaw Nation, and for this purpose you will arrange to have her personally appear before the Commission at Muskogee, at as early a date as practicable.

The record in this case shows that on August 25, 1899, application was made for the enrollment of Sallie E. Jordan, Lon Jordan, David Jordan and Jane Jordan as citizens by blood of the Choctaw Nation.

It appears that the father of Sallie E. Jordan is R. C. Freeny, a Choctaw citizen, and that her mother, Mary Freeny, now deceased, was a citizen by blood of the Cherokee Nation, and that the father of the three minor children, Lon, David and Jane Jordan, was Joseph Jordan, now deceased, who was a Cherokee citizen. Sallie E. Jordan and her minor children have been recognized and enrolled as citizens of both the Choctaw and the Cherokee Nations.

On February 15, 1901, Sallie Jordan made application to the Commission for the enrollment of herself and her three minor children, under the names of Joseph L., Johnathan D. and Evelina Jordan as citizens by blood of the Cherokee Nation, and on the same date, under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495), elected for herself and her three minor children to be finally enrolled as citizens by blood of the Cherokee Nation.

A 73

The record in this case further shows that Mrs. Jordan and her children, have since her marriage to her Cherokee husband, been residents of the Cherokee Nation, Indian Territory, and in accordance with her said election, she and her three minor children, were by a decision of the Commission of August 11, 1902, enrolled as citizens by blood of the Cherokee Nation.

On August 13, 1902, the attorney for the Cherokee Nation was furnished with a copy of said decision, and notified that he would be allowed fifteen days from that date within which to file with the Commission such protest as he desired, against said decision, and if no such protest was filed within the fifteen days prescribed, that said decision would be considered final. No protest having been entered by the Cherokee Nation, Mrs. Jordan, was accordingly, on August 29, 1902, notified that her application for the enrollment of herself and her three minor children, Joseph L., Johnathan D. and Evelina Jordan as citizens by blood of the Cherokee Nation had been granted.

The act of Congress approved July 1, 1902, entitled "An Act To provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes", (32 Stats., 716), provides as follows:

A T 4

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

The act of Congress approved July 1, 1902, entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", (32 Stats., 641), provides as follows:

"The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 27 hereof shall be placed upon the rolls made by said Commission; and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws."

The act of Congress above referred to was ratified by the citizens of the Choctaw and Chickasaw Nations at a special election held on September 25, 1902, on which date the same became affective.

The rolls of citizenship of both the Choctaw and the Cherokee Nations were closed by the acts of Congress above referred to.

Ballie Jordan having elected for herself and her three minor children, prior to September 25, 1902, to be finally enrolled as citizens by blood of the Cherokee Nation, their names have been included upon the final rolls of the citizens of the Chero-

kee Nation submitted to the Secretary of the Interior for his approval.

The Commission must, therefore, decline to permit a selection by Mrs. McLain for the enrollment of herself and her three minor children as citizens by blood of the Chectaw Nation.

Respectfully,

Acting Chairman.

MEMORANDA.

all me

(Date) *Aug 25* 1899.

Name

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name, *Sallie E. Jordan*

Choctaw ? *yes* County *Blue* Year *46* No. *7228*

Chickasaw ? County Year Page *178*

Citizen by blood ? *yes* Mother's citizenship *Cherokee*

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children:

6 x *Lon Jordan* County *Blue* Year *46* Page *178* No. *7229*

4 # *David* " County " Year Page No. *7230*

2 *Jane* " County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

1 *Samuel Jordan*

x " " " "

" " " "

Mary Jordan, mother of all is Cherokee. She is from the old Cherokee stamp. Mary is Cherokee Nation & is living in Cherokee Nation. See Cherokee Nation.

4-13747

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 13 1901



ACTING CHAIRMAN.

COMMISSIONERS:
HENRY L. DAVIS,
TAMM BERRY,
THOMAS B. HENDER,
C. R. BRIDGEMAN.

ALLISON L. AYLMERFORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 17, 1901.

W. O. Beall, Esq.,

Chief Clerk Choctaw-Chickasaw Enrollment Division,
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith you will find four copies of testimony taken February 15th by the Commission in the matter of the application for enrollment of Sallie E. Jordan et al as citizens of the Cherokee Nation. These people have heretofore applied for enrollment as Choctaws. You will please file these copies of testimony with the other papers in the case in your division.

Very truly yours,


Acting Chairman.

Enc. B-B.

Sallie E., Joseph L., Johnathan D. and Evelina Jordan have been listed for enrollment as citizens by blood of the Cherokee Nation on Cherokee roll card No. D. 1104.

Choc 0378 William C. Cooper

0378

William D. Cooper

REFUSED. JAN 23 1907

COPY OF DECISION FORWARDED

APPLICANT JAN 23 1907

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

JAN 23 1907

RECORD FORWARDED DEPARTMENT.

JAN 23 1907

ACTION APPROVED BY
SECRETARY OF INTERIOR.

FEB 27 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APR 22 1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

APR 22 1907

Muscogee, Indian Territory,

August 18th, 1900.

William C. Cooper,

Admore, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKeenon, Canfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Admore, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-1-3 A.

COMMISSIONERS
HENRY L. DAWES,
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRICKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFERS IN REPLY TO THE FOLLOWING.

Choctaw D-378.

Muskogee, Indian Territory, March 1, 1902.

William C. Cooper,
Durant, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 9th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person, or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles,

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
William C. Cooper for enrollment as
a citizen by blood of the Choctaw
Nation.

----D 378----

On the first day of March, 1902, the applicant was notified by registered mail, and on the sixth day of March the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of William C. Cooper for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 9th day of April, 1902, for final consideration.

Now, on this 9th day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicant, being called, failed to appear, and either in person or by attorney, and the Choctaw Nation appeared by its attorneys, Mansfield, McMurray & Cornish, and submits this case upon the record.

---0---

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry Risteen

Subscribed and sworn to before me this 11th day of April, 1902.

W. R. Smith

Notary Public.

Chootaw D 378

Muskogee, Indian Territory, February 11, 1904.

William C. Cooper,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Chootaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by blood of the Chootaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-D-378.

Muskogee, Indian Territory, November 3, 1905.

Postmaster,

Durant, Indian Territory.

Dear Sir:

On August 25, 1899, William C. Cooper appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen by intermarriage of the Choctaw Nation. Frequent letters addressed to his last known postoffice address at Durant, Indian Territory, have been returned undelivered. If you have any knowledge relative to the whereabouts of said applicant kindly notify this office of the same at the earliest possible date.

An envelope requiring no postage is enclosed herewith for reply.

Respectfully,

Commissioner.

Enc. Env.
Address unknown Efforts to locate him unavailing.

W. H. Hilton, P. M.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrolment of William C. Cooper as a citizen by blood of the Choctaw Nation, Choctaw Field No. D-378.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Julia London, et al., vs. Choctaw and Chickasaw Nations, No. 55 on the South McAlester Docket, in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the third or the fourteenth articles of the treaty of 1830 was necessary in order to be entitled to enrollment and to participation in the distribution of tribal property of the Choctaws and Chickasaws; which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

INDORSED ON BACK: -----

Choctaw D-378.

In the matter of the enrolment of William C. Cooper as a citizen by blood of the Choctaw Nation.

PROTEST OF

Choctaw and Chickasaw Attorneys.
Department of the Interior,
Commission to the Five Civilized Tribes.
Filed Feb. 6, 1901. Tams Bixby, Chairman.

Protest overruled by
Department.

7-D-378
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
William C. Cooper as a citizen by blood of the Choctaw Nation.

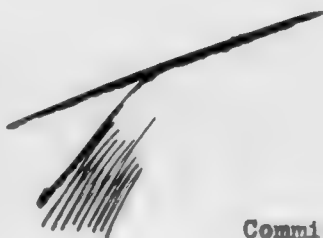
D E C I S I O N .

It appears from the census card record in this case that on August 25, 1899, William C. Cooper appeared before the Commission to the Five Civilized Tribes at Caddo, Indian Territory, and made application for the enrollment of himself as a citizen by blood of the Choctaw Nation.

It further appears from the said census card record that on the appearance of said applicant he testified that he was born in the year 1874; that he possessed one-eighth Choctaw blood; that he was the son of John E. Cooper, a Choctaw, and that his post-office address was Durant, Indian Territory.

It does not appear from the record herein or from the records in the possession of this office that said applicant has ever been recognized or enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation or by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

I am, therefore, of the opinion that the application for the enrollment of William C. Cooper as a citizen by blood of the Choctaw Nation, should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

7-D-378.

COPY
Muskogee, Indian Territory, January 23, 1907.

William C. Cooper,

Durant, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application for the enrollment of William C. Cooper as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Jame Bixby

Commissioner.

Registered.

Incl. 7-D-378.

7-D-378

Muskogee, Indian Territory, January 23, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen;

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application for the enrollment of William C Cooper as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamc Bixby*
Commissioner.

Incl. 7-D-378.

Muskogee, Indian Territory, January 23, 1907.

The Honorable,

The Secretary of the Interior:

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of William C. Cooper as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 23, 1907, denying said application.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

2 Incl. 7-D-378

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR

WASHINGTON

OR

W.H.M.

D.C. 12326-1907.
I.T.D. 4812-1907.

February 27, 1907.

LRS

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of February 21, 1907 (Land 8464), a copy whereof is enclosed for your information, your decision of January 23, 1907, denying the application of William C. Cooper for his enrollment as a citizen by blood of the Choctaw Nation, is hereby affirmed.

You will advise applicant at his last known post-office address of this action.

The record in the case, together with a carbon copy hereof, has been sent to the Indian Office for its files.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 enclosure, and
2 enclosures to Ind. Of.,
with copy hereof.

A.F.Mc.
3-1-07.

Land
8464-1907.

Copy

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of William C. Cooper as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes dated January 23, 1907, adverse to the applicant.

The record shows that on August 25, 1899, William C. Cooper appeared before the Commission to the Five Civilized Tribes and made application for his enrollment as a citizen of the Choctaw Nation. The applicant herein testifies that he was born in the year 1874; that he possessed one-eighth Choctaw blood, and that he is the son of John E. Cooper, a Choctaw.

Commissioner Bixby reports that it does not appear from the records of his office that the applicant has ever been recognized or enrolled by the Choctaw tribal authorities as a member of the tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory, under the provisions

of the Act of Congress approved June 10, 1896 (29 Stat. L., 321). Therefore, by reason of the provisions of the Act of Congress approved June 28, 1898 (30 Stat. L., 495), the Office concurs in the decision of Commissioner Bixby denying the enrollment of William C. Cooper as a citizen of the Choctaw Nation.

Very respectfully,

C. F. LARRABEE,

Acting Commissioner.

EBM.Ph.

7-D-378

Muskogee, Indian Territory, April 22, 1907.

William C. Cooper,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on February 27, 1907, the Secretary of the Interior affirmed the decision of this office of January 23, 1907, denying the application for the enrollment of William C. Cooper as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-578

Muskogee, Indian Territory, April 22, 1907.

Manafield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 27, 1907, the Secretary of the Interior affirmed the decision of this office of January 23, 1907, denying the application for the enrollment of William C. Cooper as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-378.

Muskegee, Indian Territory, November 3, 1905.

Postmaster,

Ardmore, Indian Territory.

Dear Sir:

On August 25, 1899, William C. Cooper appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen by intermarriage of the Choctaw Nation. Frequent letters addressed to his last known postoffice address at Durant, Indian Territory, have been returned unclaimed. If you have any knowledge relative to the whereabouts of said applicant kindly notify this office of the same at the earliest possible date.

An envelope requiring no postage is enclosed herewith for reply.

Respectfully,

Commissioner.

Enc. Env.

Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

21883

2d Notice

2/4/07

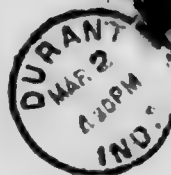
7-8

William C. Cooper

RECEIVED

Durant, Indian Territory.

9.50



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REPLY IN REPLY TO THE FOLLOWING:

7-D-378.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 23, 1907.

William C. Cooper,
Durant, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application for the enrollment of William C. Cooper as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,



Commissioner.

Registered.

Incl. 7-D-378.

Choc D379 Samuel B. Riddle

#1-4-5-6-7-9 Dismissed Jan 26, 1905

see 7-R-406

D379

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as citizens by blood of the Choctaw Nation of

Samuel B. Riddle, et al.

7-D-379
7-R-406.

Commission to the Five Civilized Tribes,
Caddo, Indian Territory.

In the enrollment of Samuel B. Riddle and family as Choctaws;
Mary Riddle being sworn and examined by Com'r McKennon states:

- Q What is your name? A Mary Riddle.
- Q How old are you? A Twenty-three.
- Q What is your husband's name? A J. T. Riddle.
- Q What relation is he to Samuel B. Riddle? A His brother.
- Q Was he admitted also in that same judgment of the court?
- A Yes sir.
- Q In the same judgment with Samuel B. Riddle? A Yes sir.
- Q You are related to them in that way? A Yes sir.
- Q Do you know when they came to the Territory here?
- A Yes sir, the 19th of November, 1897.
- Q Were you married to him then? A Yes sir.
- Q Where had you married him? A I married him in Bonham, Texas.
- Q Were you living there then? A No sir.
- Q How come you to be there? A We just went over there and married.
- Q Went away from the Nation here? A Yes sir.
- Q Did you come back with Samuel B.? A No sir.
- Q Did you come before or after them? A I came before them, next day after I married.
- Q Can you tell why it is you remember the exact date they came here? A Yes sir, because they came by my house.
- Q And you remember the date in that way? A Yes sir.
- Q Has anybody said anything to you about it since he was in here?
- A No sir.
- Q That is the only reason you remember the particular date of the month? A Yes sir, they come to my house and staid a while.
- Q That made you remember that it was the 19th day of November 1897? A Yes sir.

Samuel B. Riddle and family, Mary Riddle witness- #2)

Examined by Attorney McFerren)

Q Your husband has been living here a good many years?

A Yes sir, about eight years.

Examined by Com'r McKennon:

Q And was never admitted until this judgment?

A No sir.

Examined by Att'y McFerren:

Q You remember that they came here on account of the child that you were delivered of ~~after they were born~~ about that time?

A Yes sir.

Q What time was the child born? A 17th of August.

Q You know they came just after the child was born? A Yessir.

Examined by Com'r McKennon:

Q You said they came on the 19th day of November, and the child was born in August, how could the birth of that child make you remember the 19th day of November, can you tell? A No sir.

Q Then his proposition to you that that would make you remember that date wouldn't do would it? A No sir.

Q Com'r Needles: Didn't persons come to your house along about that time continually? A No sir.

Q Com'r McKennon: Can you remember the date of anyone else coming to your house during that year? A Yes sir

Q Who? A I can remember several.

Q Tell the dates of some persons coming and the ^{names} ~~dates~~ of the persons coming? A I don't know.

Department of the Interior,

Commissioner of the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to the above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. L. ...

Commission to the Five Civilized Tribes,
Caddo, Indian Territory.

In the enrollment of Samuel B. Riddle as a Choctaw; Dumas S. Riddle being sworn and examined by Com'r McKenna states:

- Q What is your name? A Dumas S. Riddle.
- Q How old are you? A Forty-four.
- Q You are a brother of Samuel B. Riddle? A Yes sir.
- Q When did he come from Texas to the Territory? A In November, 1897, about the 19th of November.
- Q How is it that you remember that it was the 19th?
- A He came by my house, moved right by my house.
- Q And that is why you remember? A Yes sir.
- Q Has he been there other times since? A Yes sir.
- Q Can you give the dates at which he was there at any other time?
- A I don't know that I can give the exact dates, I can give the month.
- Q You cannot give the exact date as you do this time? A Well he was there July 12th.
- Q Have you talked with him since he was here? A No sir, I have not spoke to him about it.
- Q Nor he to you? A No sir.
- Q Nor anybody else, you haven't talked to anybody else?
- A Yes sir.
- Q Who? A I spoke to Mr. Terry.
- Q What did you say to Mr. Terry about it? A I asked him if he couldn't remember about the time he came.
- Q Why did you do that? A I thought maybe he remembered.
- Q Did you know there was some question about it? A Yes sir.
- Q How did you find that out? A Through Mr. McFarren.
- Q You never even talked to your brother about it? A No sir.
- Q Nor any other member of your family about it? A No sir.

Samuel B. Riddle, Dumas S. Riddle witness -#2)

Q Nor any other one of your brothers? A No sir.

Q Com'r Needles: What made you know it was the 19th?

A I hardly could say what made me know it.

Q Did you set it down in a book? A No sir.

Q Anybody else ever pass your house? A Yes sir.

Q Do you know the dates they passed? A No, him being my brother moving made me remember it.

Q Was you at home? A Yes sir.

Q Where were you on the 20th? A At home.

Q Where was you on the 25th? A I think I was at home all that week.

Q Was you at home the 30th? A I don't know.

Q The 31st? A I couldn't say, because I was at work.

Q What was you doing on the 19th? A I believe I had been picking cotton; he came by late in the evening.

Q Com'r McKennon: He came by before night? A Late in the evening.

Examined by Choctaw Attorney Shackelford:

Q Didn't McFerren tell you it was the 19th that he came by your house? A No sir.

Q Didn't say anything about the date? A No sir.

Q Who told you there was a question about the dates? A Lawyer McFerren.

Q What time did he say he came? A He didn't say.

Q Who told you about whether it was the 19th or not?

A There was a question about the date he was here.

Q Com'r McKennon: Nobody has within the last week mentioned the 19th of that month to you have they? A None of my brothers.

Q Has anybody else? A My wife was speaking to me about it.

Q Who talked to her? A There wasn't any one.

Q When did she say that? A Last night.

Q Can you tell why? A We was speaking about this case.

Samuel B. Ridale, Dumas S. Riddle witness #3)

Q Why were you and she talking about it last night?

A She remembered the date and so did I.

Q How come you to be talking about it? A McFerren told me about the month that he come in and about the month.

Q He didn't speak to you about the 19th McFerren didn't?

A No sir.

Q Anybody do it? A No sir.

Interior:
Civilized Tribes.
I have taken the official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M D Green

Commission to the Five Civilized Tribes,

Caddo, Indian Territory.

In the enrollment of Samuel B. Riddle and family as Choctaws; being sworn and examined by Com'r McKenna he testifies:

Q What is your name? A Samuel B. Riddle.

Q How old are you? A Fifty-three.

Q Where have you been living with this family? A I have been living in Texas a part of the time.

Q How long did you live in Texas- when did you first go to Texas? A I moved to Texas many years ago.

Q Where did you go from to Texas? A I went first from Alabama to Texas.

Q How long did you live in Texas? A The first time I lived there seven years, and moved out here in the edge of Arkansas.

Q How long did you stay in Arkansas? A About sixteen years.

Q Where did you go to next? A I came back to Texas.

Q How long did you stay there then? A I staid there six years.

Q Where did you go to then? A I came to the Territory.

Q When was that? A The first of July 1897.

Q How long did you stay here then? A I have staid here ever since.

Q How long did you stay when you came here in 1897?

A I moved here and staid here two months, and went back to attend to my business there, and staid in Texas from the first of September, 1897, until the 19th of November 1897, and then I come back.

Q How long did you stay here then? A I have been living here ever since.

Q Are all of these children with you? A Yes sir.

Q When did you move your effects over here? A The 19th of November, 1897.

Samuel B. Riddle #2)

- Q Did these children all come over with you then? A No sir, not all of them.
- Q Which ones did not? A The first one, the oldest one, Josie.
- Q When did she come here? A I could not tell exactly; she came about a month after I did.
- Q Did she move her family here? A Yes sir, sometime about a month after I did.
- Q These other children that you gave in here, did they all come with you? A No sir, John didn't.
- Q When did he come here? A About three weeks ago.
- Q Where from? A Arkansas. I had him out there going to school.
- Q How old is he? A Ten years old.
- Q How long had he been out there going to school? A He has been in Arkansas all of his life.
- Q Never was in the Territory until three weeks ago? A Nosir.
- Q Russel Riddle, when did he come here? A When I did.
- Q Has he been here all the while? A Yes sir.
- Q Hasn't been anywhere else? A No sir.
- Q Nancy Riddle? A She come with me, and has been here all the while.
- Q G. M. Riddle? A He has been here all the time, came here with me.
- Q And hasn't been anywhere else since you came here? A Nosir.
- Q William W. Riddle? A He came here with me and has been here ever since.
- Q Jennie Riddle? A She come with me and has been here ever since.
- Q You have got your dates right you think? A I am pretty certain I have.
- Q How is it that this child never lived with you? A Its

Samuel B. Riddle 43)

mother died and I got its aunt to raise it, and she has kept it in Arkansas.

Q And it has been there all of its life? A Yes sir, until a short time ago.

Q How old was it when she took it? A About a week old.

Examined by Choc. Att'y Shackelford:

Q Was it 1897 or 1898 that you came to the Territory?

A 1897.

Q What time in 1897? A 19th of November I believe it was.

Q What time did you leave Arkansas? A I don't know that I could exactly say what time I left Arkansas.

Q Did you go back to Arkansas after you left there?

A No sir.

Q How many years, all told, did you live in Texas?

Q If first come to Texas from Alabama and lived there somewhere about seven years.

Q Where were you living when you made your application for citizenship? A I was living in Texas when I first put it in.

Q Where were you living when this judgment was rendered?

A I was living here in the Territory.

Q Had you moved to the Indian Territory? A Yes sir.

Q How much property had you left in Texas? A I had left my crop.

Q You went back and gathered that crop did you? A Yes sir.

Q What did you bring with you when you left your crop?

A My house furniture and my work stock, about all I had.

Q How many of these children did you leave in Texas?

A Just that one.

Q Were you farming in Texas? A Yes sir.

Q Did you own a farm in Texas? A No sir.

Q Who knows that you moved to the Territory in 1897? A Some of these gardeners knows, Bu Gardner or the old lady Gardner any one

Samuel P. Riddle #4)

Q You first made application before the Dawes Commission?

A Yes sir.

Q Did you swear to that? A I don't recollect whether I
aid or not.

Q Didn't you swear you were then a resident of the Indian Terri-
tory? A No sir, not when I made application before the Dawes
Commission.

Q Did you put down any place of residence at all?

A I don't recollect.

Secretary of the Interior,
Commissioner of the Civilized Tribes.
I hereby certify upon my official oath as
shown and stated in named Commission, that this
translation is true and correct translation of
my stenographic notes.

M. J. Green

Commission to the Five Civilized Tribes,
Caddo, Indian Territory.

In the enrollment of Samuel B. Riddle and family; being recalled, he testifies as follows:

Q/ I have two children not in the judgment, Grover Riddle, born April 2nd, 1892, and Tishia Riddle, born September 10th, 1896, it is three years old now.

Q They were not embraced in the judgment? A No sir.

Com'r McKennon: They were born prior to the judgment, and cannot be enrolled.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

Commission to the Five Civilized Tribes,

Caddo, Indian Territory.

In the enrollment of Samuel B. Riddle and family as Choctaws;
Dona Gardner being sworn and examined by Com'r McKennon testifies:

- Q What is your name? A Dona Gardner.
- Q How old are you? A Seventeen.
- Q Where do you live? A Near the Academy.
- Q Are you related to Samuel B. Riddle? A No sir.
- Q You know him? A Yes sir.
- Q Do you know when he came here from Texas? A Yes sir.
- Q When? A In November, 1897.
- Q Do you know the date? A I don't know the date; it was
somewheres about the 19th.
- Q Who told you it was the 19th? A I just remember it.
- Q Did you see him on that date? A No sir.
- Q Where were you? A I was in Paris, Texas, at school.
- Q How do you know when he landed in the Territory? A They
were living in High, Texas, and I wrote to them that I would
spend Thanksgiving with them, and they had moved over to the Ter-
ritory.
- Q Who wrote you that they had moved to the Territory?
- A My sister.
- Q What was the date of your letter? A I don't remember.
- Q What was the date of your sister's letter? A I don't re-
member.
- Q How do you know they left on the 18th, you didn't see them?
- A No sir.
- Q How do you know when they got here? A It would be just
about that time I guess.
- Q You were not in the Territory and didn't see them come here?
- A No sir.
- Q You don't know anything about it of your own knowledge, do you?

Samuel B. Riddle et al- Dona Gardner witness, #2)

A No sir.

Dan Gardner, being sworn and examined, testifies:

Q What is your name? A Dan Gardner.

Q Do you know Samuel B. Riddle? A Yes sir.

Q Do you know when he came to the Territory? A Yessir.

Q When? A The 19th of November.

Q Did you see him? A Yes sir.

Q Where? A I met him about two miles this side of Bennington.

Q How do you remember that it was the 19th of November?

A I bought a bunch of cattle from Smith and I was to receive them on the 19th, and that is the way I know.

Q Who was it you first told this? A You are.

Q You are the first man that you ever heard say that it was on the 19th? A Yes sir.

Q I am the first person you ever told that he came on the 19th?

A Yes sir.

Q You didn't tell McFerren that? A No sir.

Q You didn't tell any of the Riddles that? A No sir.

Q How did they know you would make them a witness? A Because I met Melvin coming, and Mr. Riddle, and stopped and talked to Mr. Riddle.

Q You haven't talked to anybody about it, he just told you he wanted you for a witness? A Yes sir, I haven't said ~~xx~~ a word, he come to me at the railroad tracks and said he wanted me for a witness, asked me what day he come, I said 19th day of November.

Q Do you know they had just got in from Texas? A Yes sir.

Q How do you know it? A They come over here in July, about the 1st of July, on a visit, and then went back and gathered their crop and come back, and they started, - I don't just remember what day they started back to Texas to move over.

Samuel B. Riddle, et al, Dan Gardner witness, #3)

Q Did you know they had just come when you met them there that day? A No sir, I didn't exactly know.

Q You don't know how long they had been in the Territory?

A No sir, I met them that day moving here.

Examined by Choctaw Att'y Shackelford:

Q Who was it you say you told that it was the 19th?

A I told Melvin Riddle.

Q When was that? A Day before yesterday.

Q Didn't you tell Colonel McKennon that you never told anybody?

A I told him.

Q Didn't you state that he was the first man that you told it was the 19th? A Yes sir.

Q That wasn't true? A It was outside of him, I told Melvin it was that day; that was on Wednesday I told him.

Q Com'r Needles: He says, Gardner, what day did I move to the Territory, and you says, on the 19th of November? A Yessir, he says Daniel, you busy, I says, no not very, and he says do you know what time I moved over here? I says yes, it was the 19th day of November, 1897; the reason I knew it I bought a bunch of cattle from Morris Smith and had to receive them on that day, and I was going to receive them when I met them.

Q How many cattle were there? A Nine head.

Q And you was to receive them on the 19th? A Yes sir, I bought them on the 18th, and was to receive them on the 19th.

Q Were you buying cattle then? A Yes sir.

Q Can you tell the date of every time you bought cattle?

A No sir.

Q How did you remember that particular one? A I was buying for Dold Riddle and he was buying for William Dunn, and that is the reason I recollect it so well.

Q What relation is Dold Riddle to these men? A None at all.

Samuel B. Riddle et al- Napoleon B. McClure witness, #4)

Napoleon B. McClure, being sworn and examined by Com'r McKenna, testifies as follows:

Q What is your name? A Napoleon B. McClure.

Q How old are you? A Twenty-three.

Q Do you know Samuel B. Riddle? A Yes sir.

Q Do you know when he came to the Territory? A No sir.

Q You don't? A All I know, he moved in and bought a place and he was moving into the place and I was helping my uncle move out of the house and I was there when he moved into the house, I don't know how long he had been here.

Q When was that? A I don't know exactly; I have nothing to recollect by.

Q Do you know what year it was? A It was in the fall of 1897.

Q You don't know what time it was? A It was either the last of November or the first of December, I don't recollect; it was a good while before Christmas.

Q When did you first know you were going to be a witness in this case? A Night before last I believe it was, they came after me.

Q Who came? A Melvin Riddle.

Q That is a son of Samuel B.? A Yes sir.

Q Did he talk to you about it? A Yes sir, he asked me if I recollected the time they came.

Q And you told him? A I told him I didn't recollect the time, still I was there at the time they moved into the house.

Q You don't recollect that it was on the 19th of November?

A No sir.

Q Can you tell why it is you don't remember that it was on the 19th day of November? A I didn't know much about them, - I had heard of them.

Examined by Choctaw Att'y Shackelford:

Q When Riddle came to see you he told you it was on the 19th of November didn't he? A No, I don't recollect that he did; I don't know whether he said anything about that or not.

Samuel . Riddle et al Napoleon .McClure witness- #5)

Q What did he say about the 19th? A I don't recollect whether he said anything.

Q What did he say when he first came there? A He said he wanted me as a witness, wanted to know when he came; I told him all I knew was the time he moved into that house, that it was a while before Christmas; that was after my uncle moved in the house with me, and we spent Christmas in the house.

Examined by Com'r McKeannon:

Q Didn't he say anything to you about it being on the 19th of November? A I couldn't say for sure, for I don't recollect.

Q You don't remember? A No sir.

Department of the Interior,
Commissioner of the General Land Office.
I hereby certify that the foregoing is a true and correct translation of
my stenographic notes of the deposition of the named Commission and this
transcript is a true and correct translation of
my stenographic notes.

J. D. Green

COMMISSIONERS
HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES, Choctaw D-379.

REPLY IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, March 1, 1902.

Samuel B. Riddle,

Caddo, Indian Territory.

You are hereby notified that the application of yourself and your seven minor children, Edwin P., Nancy, William W., George M., John, Genia and Russell Riddle

for enrollment as citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 5th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Register.

T. B. Needles.

Commissioner in Charge.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Samuel B. Riddle for the enrollment of himself and his children, Melvin P., Nancy, William W., George M., John Genia and Russell Riddle as citizens by blood of the Choctaw Nation.

---D 379---

On the first day of March, 1902, the principal applicant was notified by registered mail, and on the sixth day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Samuel B. Riddle, Melvin P. Riddle, Nancy Riddle, William W. Riddle, George M. Riddle, John Riddle, Genia Riddle and Russell Riddell for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 9th day of April, 1902, for final consideration.

Now, on this 9th day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicants being called failed to appear either in person or by attorney, and the Choctaw Nation appeared by its attorneys, Manafield, McMurray & Cornish, and submits this case upon the record.

---o---

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 11th day of April, 1902.

Merwin H. Wood

Notary Public.

379

20

INDEXED

IN RE

Application for Enrollment of
INFANT CHILD

Samuel B. Riddle, Jr.
as a citizen of

Choctaw

Nation.

Approved

NOV 23 1902

190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 23 1902

ACTING CHAIRMAN.

Choctaw D-379

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Samuel B. Riddle Jr. born on the 20 day of July, 1902
(Here insert name of child.)
Name of Father: Samuel B. Riddle citizen of the Choctaw Nation.
Name of Mother: Lucy E. Riddle a citizen of the United States Nation.
Post-office Caddo, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY

Central District.

I, Lucy E. Riddle, on oath state that I am 42
years of age and a citizen, by United States Nation;
that I am the lawful wife of Samuel B. Riddle, who is a citizen, by
blood, of the Choctaw Nation; that a Male child was
(male or female.)
born to me on 20 day of July, 1902 that said child has been
named Samuel B. Riddle Jr. and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses)

William B. Riddle
James B. Riddle

Subscribed and sworn to before me this

14

day of

Nov1902

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY

Central District.

I, Mrs. W. J. Rayburn, midwife, on oath state that I
attended on Mrs. Lucy E. Riddle, wife of Samuel B. Riddle
on the 20 day of July, 1902 that there was born to her on
said date a Male child; that said child is now living and is said to have been
(male or female.)
named Samuel B. Riddle Jr.

WITNESSES TO MARK

(Must be Two
Witnesses)

W. J. Rayburn

Subscribed and sworn to before me this

14

day of

Nov1902

NOTARY PUBLIC

7-D-379.
7-R-406.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Samuel B. Riddle, and his children, William W. Riddle, George M. Riddle, John Riddle, Genia Riddle, Samuel B. Riddle, Jr., Grover Riddle and Tishia Riddle as citizens by blood of the Choctaw Nation.

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It appears from the records of the Commission that on September 3, 1896, in the case entitled "S. B. Riddle, et al. vs. Choctaw Nation" (1896 Choctaw citizenship docket, case No. 686) application was made to this Commission, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 321) for the admission to citizenship in the Choctaw Nation of Samuel B. Riddle, (as S. B. Riddle), and his children, William W. Riddle, (as W. W. Riddle), George M. Riddle, (as S. M. Riddle), John Riddle, (as John W. Riddle) and Genia Riddle, (as Genia Riddle), as citizens by blood of said Nation; that on December 3, 1896, this Commission rendered its decision denying said application; that from this decision of the Commission, an appeal was taken to the United States Court for the Central District of Indian Territory, which Court, on August 30, 1897, in the case entitled "S. B. Riddle, et al. vs. Choctaw Nation" (Citizenship case No. 8) entered of record a judgment reversing the decision of the Commission, and admitting the said S. B. Riddle, George M. Riddle, (as G. M. Riddle) and John Riddle, as citizens by blood of the Choctaw Nation, and on January 18, 1898, entered a "nunc pro tunc" judgment in said cause, as of August 30, 1897, admitting the said W. W. Riddle and Genia Riddle, as citizens by blood of said Nation.

It further appears from the record herein that subsequent to the original application to this Commission in 1896, and subsequent to the entry of said judgments in said United States Court, application was made to this Commission for the enrollment of the said Grover Riddle, Tishia Riddle and Samuel B. Riddle, Jr., claiming the right to such enrollment through their father, the said Samuel B. Riddle.

It further appears from the records of the Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court created by the Act of Congress approved July 1, 1902 (32 Stat., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgments of the United States Court for the Central District of the Indian Territory. Said cause, as to said Samuel B. Riddle and John Riddle, has not been appealed or certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo,

within the time prescribed by the provisions of said Act of Congress approved July 1, 1902, (32 Stat., 641).

It further appears from the records of the Commission that said cause in which the said George M. Riddle, (as G. M. Riddle), W. W. Riddle and Genia Riddle were so admitted by said United States Court, as citizens by blood of the Choctaw Nation, was, as to certain of the applicants therein, duly certified to the said Choctaw and Chickasaw Citizenship Court for a trial de novo, within the time prescribed by the provisions of said Act of Congress approved July 1, 1902, (32 Stat., 641), but that, as to the said William W. Riddle, (as Wallace Riddle) George M. Riddle, (as Marian Riddle) and Genia Riddle (as Jenny Riddle) Grover Riddle, Tishia Riddle (as Tinsie Riddle), Samuel B. Riddle, Jr., (as S. B. Riddle, Jr.), said Choctaw and Chickasaw Court on March 21, 1904, in case No. 108 on its South McAlester docket entered of record a decree dismissing their petition for want of jurisdiction.

In accordance with the opinion of the Acting Attorney General dated May 9, 1904, (I.T.D.3824-1904), and the opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904, (I.T.D.5246-1904), the Commission to the Five Civilized Tribes is without authority to take any action of any character looking to the enrollment of Samuel B. Riddle, William W. Riddle, George M. Riddle, John Riddle, Genia Riddle, Samuel B. Riddle, Jr., Grover Riddle and Tishia Riddle as citizens by blood of the Choctaw Nation, and it is, therefore, hereby ordered that the application for the enrollment of Samuel B. Riddle, William W. Riddle, George M. Riddle, John Riddle, Genia Riddle, Samuel B. Riddle, Jr., Grover Riddle and Tishia Riddle as citizens by blood of the Choctaw Nation, be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.

Muskogee, Indian Territory,

JAN 26 1905

COPY

Choctaw D 379
Choctaw R 406

Muskogee, Indian Territory, January 26, 1905.

Samuel B. Riddle,
Care R. E. McClendon, Box #21,
Stringtown, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 26, 1905, dismissing the application for the enrollment of yourself, and of your children, William W. Riddle, George M. Riddle, John Riddle, Genia Riddle, Samuel B. Riddle Jr., Grover Riddle and Tishia Riddle as citizens by blood of the Choctaw Nation.

Respectfully,

EDGNEEN

10000 10000

Registered.

Chairman.

Incl. 7-D-379
7-R-406

Choctaw D 379
Choctaw R 406

COPY,

Muskogee, Indian Territory, January 26, 1905.

Charles E. McPharren,
Attorney at Law,
Caddo, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 26, 1905, dismissing the application for the enrollment of Samuel B. Riddle and his children, William W. Riddle, George M. Riddle, John Riddle, Genia Riddle, Samuel B. Riddle Jr., Grover Riddle and Tishia Riddle as citizens by blood of the Choctaw Nation.

Respectfully,
(SIGNED)

Tams Dixie

Registered.

Chairman.

Incl. 7-D-379
7-R-406

COPY,

7-D-379

7-R-406

Muskogee, Indian Territory, January 26, 1905.

Wansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 26, 1905, dismissing the application for the enrollment of Samuel B. Riddle, William W. Riddle, George M. Riddle, John Riddle, Genia Riddle, Samuel B. Riddle Jr., Grover Riddle and Tishia Riddle as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED).

James Bixby

Chairman.

Incl. 7-D-379
7-R-406

Muscoogie, Indian Territory,

August 16th, 1900.

Samuel B. Riddle,

Adage, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKean, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Melvin P., Henry, William W., George P., John, Cecil, Russell Riddle as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, September 17, 1900

Samuel B. Riddle,

Caddo, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of recent date in the matter of the protest filed by the Choctaw Nation to your enrollment and the enrollment of your children as citizens of that Nation. You request that you be furnished with a copy of the protest filed by the attorneys of the Nation and as to what further action it will be necessary for you to take looking to the enrollment of yourself and your children.

You are informed that the Commission cannot at this time go into the merits of the cases in which protests have been filed.

The Commission has up to this time only been furnished with a list of the names of doubtful claimants to citizenship and enrollment in the Choctaw and Chickasaw Nations, to whose final enrollment the Nations offer objection. In justice to these applicants the Commission has notified them of the filing of such protest and has also required of the attorneys of the Nations that they, prior to October 31st, 1900, serve notice on these applicants to whose enrollment objection is made, stating therein the grounds upon which the protest is filed. You will undoubtedly be served with such notice and can then have full knowledge of what testimony it will be well for you to offer in support of your application at the session of the Commission at Atoka, beginning December 3rd next.

Yours truly,

7-B-379.

Muskogee, Indian Territory, November 28, 1908.

Samuel B. Riddle,

Caldo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Samuel B. Riddle, Jr., infant son of Samuel B. and Lucy E. Riddle, born July 20, 1908; and the same being in proper form has been duly filed with the records of the Commission as evidence of birth of the above named child.

Respectfully,

Acting Chairman.

Choctaw D 379

Muskogee, Indian Territory, December 15, 1903.

Charles E. McPharren,
Attorney at Law,
Caddo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 10, asking if the Commission has a record of the evidence filed in the case of S. B. Riddle, et al. vs. the Choctaw Nation in 1896. You state that the record sent up to the United States Court from the Commission on appeal has been lost and a copy thereof is desired for use in the Choctaw and Chickasaw Citizenship Court in the trial of this case.

In reply to your letter you are advised that the case of S. B. Riddle, et al. vs. the Choctaw Nation having been appealed to the United States Court for the Central District of the Indian Territory, all the papers in this case were forwarded to said court and the Commission has now no record of the evidence filed in support of the application made by S. B. Riddle, et al. for citizenship in the Choctaw Nation under the provisions of the act of Congress of June 10 1896.

Respectfully,

Chairman.

7-D-379

Muskogee, Indian Territory, September 20, 1904.

Samuel Riddle,

Care of R. E. McClendon, Box 81.

Stringtown, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 12th instant, addressed to the Secretary of the Interior and by him referred to this Commission for consideration and appropriate action. Therein you request to be advised whether or not you will be notified when you are approved.

You are advised that several persons by the name of Samuel Riddle are applicants to this Commission for enrollment as citizens by blood or freedmen of the Choctaw Nation. If you will state your age, the time and place application was made for your enrollment and whether you are a citizen by blood, intermarriage, or a freedman, you will be promptly advised in the matter.

Respectfully,

Chairman.

all m e

MEMORANDA.

(Date) Aug 25 1899.

531

Name Samuel B. Riddle

Choctaw? yes County Year No.

Chickasaw? County Year Page

Citizen by blood? yes Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

16	Nancy Riddle	County	Year	Page	No.
15	William M.	County	Year	Page	No.
13	George M.	County	Year	Page	No.
10	John	County	Year	Page	No.
9	Genia	County	Year	Page	No.
5	Russell	County	Year	Page	No.
24	Melvin P.	County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.

Admitted by the court on 10th day of Aug 30-97
case # 13 - his testi-
mony & that of Sam Gardner, Robert Gard-
ner, Napoleon B. Mathews, E. S. Riddle
and Louis Gardner.

#1 Admitted as S. B. Riddle, #3 as W. H. Riddle
#4 as G. M. Riddle, #8 as M. P. Riddle

D 1379

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

"Unclaimed"

Spd in this com-
try, but after del-
quent inquiry cannot
be located.

W.D. Kennedy
Stringtown
Ct.

Samuel B. Riddle,

Care R. E. McClendon, Box # 81,

Stringtown, Indian Territory.

32
107.18

Returned to
Sender

Reg # 81
81

RECEIVED DIVISION,
FEB 2 1905
MUSKOGEE, IND. TER.



MAR 15 1905

COMMISSIONERS:
TAMM HIXBY,
THOMAS B. NEEDLES,
C. E. BRACKENRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Choctaw D 379
Choctaw R 406

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 26, 1905.

Samuel B. Riddle,
Care R. E. McClendon, Box #81,
Stringtown, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 26, 1905, dismissing the application for the enrollment of yourself, and of your children, William W. Riddle, George M. Riddle, John Riddle, Genia Riddle, Samuel B. Riddle Jr., Grover Riddle and Tishia Riddle as citizens by blood of the Choctaw Nation.

Respectfully,

Registered.

Chairman.

Incl. 7-D-379
7-R-406

D 380

help.

Record transferred to
Bhostaw card # 5673

Choc D 381 Lizzie Reid

Dismissed 10-20-04

D381

7 D-381

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as
a citizen by intermarriage of the Choctaw Nation, of
LIZZIE REID.

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the enrollment of Lizzie Reed as an intermarried Choctaw;
Thomas L. Reed being sworn and examined by Com'r McKean states:

Q What is your name? A Thomas L. Reed.

Q How old are you? A Twenty-five.

Q Where are you living? A In the Chickasaw Nation.

Q You present here a marriage certificate dated the 2nd of
August 1899 were you married under this? A Yes sir.

Q Had you been married to this woman before that time? A Yessir

Q Where? A At Ardmore.

Q Under the United States law? A Yes sir.

Q This was a second marriage? A Yes sir.

Q Her name wasn't Lizzie Crooks when you married the last time?

A No sir.

Q It was Lizzie Reed? A Yes sir.

Q You were in the Chickasaw Nation when you married the last
time? A Yes sir.

Q You were a Choctaw living in the Chickasaw Nation? A Yessir.

Q And married under this license? A Yes sir.

Q Did you procure any ~~license~~ other license? A No sir.

Q You didn't marry under the Chickasaw law? A No sir, mar-
ried under the United States law.

Q This is the second time you have married under the United
States law? A This is the second time I have married under this
certificate.

Department of the Interior,

Commissioner of the General Land Office

I hereby certify that the foregoing is
a true and correct copy of the original
transcript of the deposition of
my stenographer.

W. H. H. H. H. H.

COMMISSIONERS
HENRY L. DAWES.
TAMM DIXON.
THOMAS B. NEEDLES.
C. R. BRACKENRIDGE.

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Choctaw D-321.

Muskogee, Indian Territory. March 1, 1902.

Lizzie Reid,

Loco, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 10, 1902.

.....
:: In the matter of the application ::
:: of Lizzie Reid for enrollment as a ::
:: citizen by intermarriage of the :: D-381.
:: Choctaw Nation. ::
.....

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902 the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Lizzie Reid for enrollment as a citizen of the Choctaw Nation would be taken up for final consideration by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 10th day of April, 1902;

Now on this 10th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 10, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 11th day of April, 1902.

Hal Belford
Herbert H. Wood

Notary Public.

Durant, I. T. Aug. 22nd 1899.

This certifies that I did on this
the 22nd day of August, A.D. 1899,
at my residence in Blue County
Choctaw Nation, solemnize the
rites of matrimony between
Mr. T. L. Reid, of Loco, I. T., a citizen
of the Choctaw nation, and
Miss Lizzie Brooks, of Loco, I. T., a
white woman, citizen of the
United States, according to the
laws of the Choctaw Nation.

Given under my hand
this the 22nd day of Aug. 1899.

J. H. Dickerson.

Minister of the Gospel.

Witness,

"

Junima J. Dickerson

C. W. James

Choctaw Nation
County of Blue

Office of County
and Probate Clerk.

To whom these presents shall come:

Greeting:

This certifies that I
C. W. James, Clerk of the County
and Probate Court of Blue County Choctaw
Nation, did this day record the attached
certificate of marriage of Mr. T. L. Reid of
Loco, I. T. to Miss Lizzie Crooks of Loco, I. T.
dated Aug. 22, 1899, and given by
Rev. J. H. Dickerson, in Record Book A
Page 163 of the Records of this County.

In witness whereof I have set
my hand and ~~the~~ official seal
this the 22nd day of Aug. A. D. 1899

C. W. James
County and Probate Clerk in and
for Blue County Choctaw Nation.

7-D-381.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

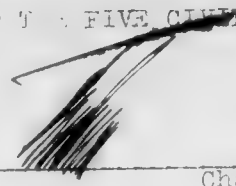
CM
In the matter of the application of Lizzie Reid for enrollment as a citizen by intermarriage of the Choctaw Nation.

--:D E C I S I O N:--

The applicant, Lizzie Reid, claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage to one Thomas L. Reid.

The right of the applicant's husband, Thomas L. Reid, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of April 30, 1904, in case No. 43 on the South McAlester docket of said Court, it is hereby ordered that the application of Lizzie Reid for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.

Muskogee, Indian Territory,

OCT 20 1904.

7-D-381

COPY

Muskogee, Indian Territory, October 20, 1904.

Lizzie Reid,

Loco, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated October 20, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tamm Dixey

Chairman.

Registered.

Incl. 7-D-381.

7-D-381

COPY.

Muskogee, Indian Territory, October 20, 1904.

Gilbert & Gilbert,
Attorneys at Law,
Duncan, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated October 20, 1904, dismissing the application of Lizzie Reid for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Lamo Pixby

Chairman.

Registered.

Incl. 7-D-381.

7-D-381

COPY.

Muskogee, Indian Territory, October 20, 1904.

Manefield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated October 20, 1904, dismissing the application of Lizaie Reid for enrollment as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

(SIGNED)

James Dixey

Chairman.

Incl. 7-D-381.

Muskogee, Indian Territory,

August 18th, 1900.

M. Ziebart,

Loco, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its
attorneys, Messrs. Coffey, Field, Murray, & Smith, has
filed with this Commission a notice of protest to your enrollment
and citation of the Choctaw Nation.

The hearing on this matter, commencing December 3rd, 1900, will be held at
the station at Alope, Indian Territory. At that time both you and the
Choctaw Nation will be permitted to offer additional testimony and
written arguments in this case, and this hearing will be final.

Yours truly,

Acting Commissioner:

7-111.

Muskogee, Indian Territory, September 18, 1900.

Lizzie Reid,

Looco, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The objection raised is, that you have not complied with the Choctaw intermarriage law.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, January 12, 1901.

Gilbert A. Gilbert,

Attorneys at Law,

Duncan, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 12th instant, in which you desire to be informed if Lizzie Reed, is listed for enrollment as a citizen of the Choctaw Nation.

In reply to your letter you are advised that the records of this Commission show, that Lizzie Reid, 17 years of age, of Leeco, Indian Territory, the daughter of R. H. and Lizzie Crooks, is listed for enrollment by this Commission as a doubtful claimant to citizenship in the Choctaw Nation, claiming such right by reason of her marriage to Thomas L. Reid.

Yours truly,

Acting Chairman.

7-D-381

Choctaw D-381

Muskogee, Indian Territory, February 26, 1903.

Lizzie Reid,

Loco, Indian Territory.

Dear Madam:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903.

The Act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

7-D-381.

Muskogee, Indian Territory, August 16, 1904.

Lizzie Reid,

Loco, Indian Territory,

Dear Madam:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

MEMORANDA.

atoko

(Date) *Aug 28* 1899.

Name

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day,

we
17

Wife's name, *Lizzie Reed*

Choctaw ? *ye* County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship *US*

Intermarried citizen ? *ye*

Married under what law ?

License filed this day *yea*

Names of children :

.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.

note to ...
...

D351

Harry A. Perkins

Record transferred to

CHOCTAW. # 5838.

CHOCTAW.

D. 38

William H. Hamilton

Record transferred to
Choctaw card #5750

CHOCTAW D 384

Josephine Le Flore.

Record transferred to
CHOCTAW * 3989.

Choc 0385 Charles M. Palmer

0385

Muscogee, Indian Territory,

August 18th, 1900.

Charles M. Palmer,

Navia, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman

7-19-30.

Waskagee, Indian Territory, September 18, 1900.

Charles M. Palmer,

Waskagee, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised is to your right to enrollment under your second marriage.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, October 28, 1900.

Garrett & Oliphant,

Attorneys at Law,

Tishomingo, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 23rd instant, in which you desire to be informed if C. M. Palmer is on the rolls as an intermarried citizen of the Chickasaw nation. You state that he was married to Amanda Henderson, first under the United States law and then under the Indian law.

You are informed that the records of this Commission show that Charles M. Palmer, 35 years of age, of Ravia, Indian Territory, was listed for enrollment by this Commission as a doubtful claimant to intermarried citizenship in the Choctaw nation, on August 29th, 1899, having been married to Amanda Henderson under the laws of the United States on the 17th day of August, 1899, and subsequently married to her under a license issued by the County Clerk of Tishomingo County, Chickasaw Nation, on August 24th, 1899.

The Commission has not fully determined as to his rights to enrollment as a citizen of the Choctaw nation and that Nation through its representatives, Messrs. McKennon, Mansfield, McSurray & Cornish, has filed a protest as to his final enrollment, claiming that he is not entitled to such enrollment by virtue of his marriage first under the United States laws and then subsequently under the laws of the Chickasaw nation.

The Commission, beginning December 3rd, 1900, will hold a

G. & O. 2

session at Ateka, Indian territory, for the purpose of hearing additional testimony in these doubtful cases and as soon thereafter as possible, will take up for consideration all such cases and render a decision in each of them. A copy of such decision will be mailed to the claimants, stating fully therein the reason for any action the Commission may take in each case.

The testimony of Charles M. Palmer is to the fact that he married Amanda Henderson in August, 1899. The records of this Commission show that when Amanda Henderson was listed for enrollment as a citizen of the Choctaw Nation in June, 1899, she was living with and as the wife of Wilson Henderson. Will you kindly inform the Commission if Wilson Henderson is dead and if so when he died and if possible have the enclosed affidavits as to his death, filled out and forwarded the Commission. If he is living however, and has separated from his wife, Amanda Henderson, it will be necessary in the matter of the enrollment of Charles M. Palmer for the Commission to be supplied with the divorce proceedings between Wilson and Amanda Henderson.

Your prompt attention to this matter will be greatly appreciated.

Yours truly,

Enc d

Acting Chairman.

In reply please
refer to 7-D-385

Muskogee, Indian Territory, November 13, 1900.

Garrett & Oliphant,

Attorneys at Law,

Tishomingo, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 8th instant enclosing the affidavits of Campbell Henderson and Amanda Palmer offered by you for filing in the matter of the application for enrollment as an intermarried citizen of the Choctaw nation of Charles M. Palmer, and the same have been filed with the other papers in this case and will receive the consideration of the Commission in the disposition of Mr. Palmer's application for enrollment.

Yours truly,

Acting Chairman.

7-D-385

Muskogee, Indian Territory, April 14, 1902.

J. B. O'Brien,
Attorney at Law,
Tishomingo, Indian Territory.

Dear Sir:

The Commission has received information that Charles M. Palmer, has died since the time application was made for his enrollment as a citizen by intermarriage of the Choctaw Nation.

For the purpose of making his death a matter of record there is enclosed you herewith a blank for proof of death which you are kindly requested to have properly executed at your earliest convenience and return in the enclosed envelope which requires no postage.

You will notice that there is an affidavit for a relative and an acquaintance; in having the same executed be careful to see that all blanks are properly filled, all names written in full and in event either of the persons whose names are to be affixed to the affidavits are unable to write and their signatures are by mark that such signatures be attested by two disinterested parties witnesses thereto.

J B O R

The notary public before whom the affidavits are acknowledged must affix his notarial jurat and seal to each separate affidavit.

Yours truly,

Env.

Acting Chairman.

D.C.

Ravia, Indian Territory, October 4, 1902.

The Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:-

Your Sept. 30th to Mandy Palmer received. In reply will say Mandy Palmer is on the rolls as Amanda Henderson. She is a full blood and the daughter of Campbell Henderson and not enrolled at Tishomingo while the Commission was stationed there for that purpose. She afterwards married a white man by the name of Charles Palmer who is now dead. She lives with her father Campbell Henderson two miles north from Ravia, I. T.

Should you wish any more information will gladly secure it if possible.

As you will see this child Maude is a male and the change is made in the papers.

Yours truly,

A. A. Chapman.

Muskogee, Indian Territory, October 7, 1904.

A. A. Chapman,

Ravia, Indian Territory.

Dear Sir:-

Under date of October 4, 1902, you very kindly furnished the Commission information relative to Amanda Palmer, a full blood Chickasaw Indian, the daughter of Campbell Henderson and the wife of Charles M. Palmer, a white man. This office has recently been informed that said Charles M. Palmer is dead. It appears from the records that he claims rights as an intermarried citizen by virtue of his marriage to Amanda Henderson, and application was made to this Commission for his enrollment as such August 29, 1899.

If it is a fact that said Charles M. Palmer has died since the time application was made for his enrollment, proof of his death should be furnished the Commission and blanks for that purpose together with an envelope for the return of the same are enclosed herewith. If you will kindly place the same in the hands of Amanda Palmer with request that she furnish the necessary affidavits required, your action in the matter will be duly appreciated.

Respectfully,

Env. D.C.

Chairman.

7-D-365

Muskogee, Indian Territory, December 8, 1904.

A. A. Chapman,

Avia, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 2, 1904, enclosing the affidavits of Amanda Palmer and J. B. O'Brien relative to the death of Charles M. Palmer an intermarried citizen of the Choctaw Nation on December 5, 1901, and the same being in proper form have been duly filed with the records of the Commission as evidence of death of the above named person.

Respectfully,

Chairman.

MEMORANDA.

(Date) Aug 19 1899.

W.C.
35

Name Charles W. P. ...

Choctaw? yes County ... Year ... No. ...

Chickasaw? ... County ... Year ... Page ...

Citizen by blood? ... Mother's citizenship ...

Intermarried citizen? ...

Married under what law? ...

License filed this day, ...

Wife's name, ...

Choctaw? ... County ... Year ... No. ...

Chickasaw? ... County ... Year ... Page ...

Citizen by blood? ... Mother's citizenship ...

Intermarried citizen? ...

Married under what law? ...

License filed this day ...

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

See also ...

Page 5

LICENSE.

Nebo. I. T. Aug. 24 1899

Office of County and Probate
Judge of Tishomingo County.
Chickasaw Nation.

I, Scott Hawkins, County and Probate Judge of Tishomingo
County, Chickasaw Nation, in the name and by the authority of
law in me vested do this day issue license to Mr. L. N.
Palmer, a citizen of the United States
To Marry Miss Mary S. Henderson a citizen of the
Chickasaw Nation. In accordance with the require-
ments of law in relation to marriages.

Given Under My Hand and Seal of Office, this, the 24 day
of August, 1899.

Scott Hawkins Judge.

Recorded on Page 226. in
Book B. on this the 24 day of August 1899.
County and Probate Judge
of Tishomingo County, C. N.

Edward Turner.

Clk. T. C. N.

Certificate of Marriage.

This Is To Certify That Mr. L. M. Palmer
and Miss Annaly Hender, Were Joined Together
In The Holy Bonds of Matrimony On This, The 24 day of
August, 1899.

Given Under My Hand and Seal of Office, this, the 24 day
of August, 1899.

Leatt. Hawkins Judge.
County and Probate Judge
of Tishomingo County, C. N.

Recorded on Page 226, in
Book 3. on this 24th
day of August 1899

Edward Linn Clark Secy.

THE UNIVERSITY OF CHICAGO

[illegible]

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IN THE MATTER OF THE CITIZENSHIP OF CHARLES M. PALMER

To the Honorable Dawes Commission:

I Campbell Henderson being duly sworn on oath depose and say that I am the father of Mrs. Amanda ^{Palmer} ~~Henderson~~ Her Maiden name was Amanda Henderson She was married to Charles M. Palmer on the 17th day of August 1899 under license issued out of the Clerks of office At Ardmore I.T. and was remarried on the 24th day of August 1899 under license from the Chickesaw authorities .Which said license was issued subsequent to the issuance of the license At Ardmore Palmer lived with my daughter about 6 months when they separated . Palmer did not treat my daughter right and my daughter came home to my place He has accused her of unfaithfulness which in my opinion is unjust and had a personal difficulty with one Overton Lavis and seriously wounded him and was bound over to await the action of the Grand Jury charged with a assault to kill. Have been informed that he has filed a divorce suit in the Indian Court . and has sued a lot of non Citizens for a lot of land that belongs to his wife in the Federal Court At Ardmore. She has only been married to Palmer. Never was married to Wilson Henderson. My daughter is a Chickesaw Indian by blood and Palmer is a United States Citizen.

Subscribed and sworn to before me this 8th day of November 1900

Alm Campbell Henderson
Notary Public

70385

RECEIVED THE BUREAU OF THE ARMY ON NOV 12 1941

NOT IN THE

TRIPS

AT THE TIME

UNDER DISCUSSION IN THE BUREAU OF THE ARMY ON NOV 12 1941
AND AT THE TIME OF THE BUREAU OF THE ARMY ON NOV 12 1941
I HAVE NOT BEEN ADVISED OF ANY OTHER INFORMATION TO BE
OF THE BUREAU OF THE ARMY ON NOV 12 1941

IN THE MATTER OF THE CITIZENSHIP OF CHARLES M. PALMER

To the Honorable Dawes Commission

Venita I.T.

I Amanda Palmer being duly sworn on oath say that my maiden name was ~~Am~~ Amanda Henderson. I am the daughter of Campbell Henderson who lives near Ravia I.T. I am 17 years old. I was married on the 17th day of August 1899 to Charles M. Palmer under license issued ~~under~~ of the Clerks office at Ardmore I.T. We were remarried under Chickesaw license on the 24 day of August 1900 I am a Chickesaw Indian by blood My husband is a United States Citizen. After we married we lived together about 6 months and then we separated I quit him because he mistreated me. and since our separation he has brought suit at Ardmore in the Federal Court against some non Citizens for some lands that belong to me. and I am not a party to the suit. He is trying to claim same for himself and trying to hold same for himself. He has recently informed me that he has filed suit for a divorce in the Indian Court here at Tishomingo. I have not yet been served with summons in the case. Think he intends to make an effort to get enrolled and to get a divorce and to take my land away from me.

I never was married to Wilson Henderson. Never was married to any one except Charles M. Palmer. Was Married to him twice on different days and under licenses issued on different days and by two ceremonies performed at different times.

Amanda Palmer

Subscribed and sworn to before me this 8th day of November 1900

AM Cliphurst
Notary Public

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the enrollment of Charles M. Paliver as an intermarried Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A Charles M. Paliver.

Q How old are you? A Thirt y-five.

Q You present here a marriage license issued 24th day of August 1899, with a certificate of marriage of the same date, to marry Amanda Henderson, were you married before to this woman?

A Yes sir, I was married on the 17th of this month under the United States law.

Q This is your second marriage to her? A Yes sir.

Q Were you separated or divorced from her? A No sir.

Q This then was your second marriage? A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to the named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

IN RE
THE DEATH OF

CHARLES M. PALMER

a citizen of the

Choctaw

Nation.

Approved Dec. 5 1904

Commissioner.

COMMISSIONER

DEC 5 1904

GERMAN

File with

Choctaw

5385

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of **Charles M. Palmer**

(Here insert name of deceased.)

a citizen of the **Chickasaw (by inter-marriage)**

Nation, who formerly resided at or near

(Here insert name of postoffice) **Ravia**

, Ind. Ter., and died on the **fifth** day of

December, ----- **1901**.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
S O U T H E R N DISTRICT.

I, **Amanda Palmer**

, on oath state that I am **about 24**

years of age and a citizen, by **blood**

, of the **Chickasaw**

Nation;

that my postoffice address is

(Here insert name of postoffice.)

Ravia

, Ind. Ter.; that I am

(State relationship as: the father; an uncle; a cousin, etc.) **the wife**

of **Charles M. Palmer**

(Here insert name of deceased.)

who was a citizen, by **inter-marriage**

, of the **Chickasaw**

Nation;

and that said **Charles M. Palmer**

(Here insert name of deceased.)

died on the **fifth** day of

December

, **1901**

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this

2nd day of

December

1904

A. A. Chapman
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
S O U T H E R N DISTRICT.

I, **J. B. O'Bryan**

, on oath state that I am **28**

years of age, and a citizen by **birth**

, of the **United States**

Nation;

that my postoffice address is

Tishomingo

(Here insert name of postoffice.)

, Ind. Ter.;

that I was personally acquainted with **Charles M. Palmer**

(Here insert name of deceased.)

who was a citizen, by **inter-marriage**

, of the **Chickasaw**

Nation;

and that said **Charles M. Palmer**

(Here insert name of deceased.)

died on the **fifth**

day of

December

, **1901**

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this

28th day of

October

1904

J. B. O'Bryan
Notary Public.

*My Commission Expires
April 26th 1908.*

D 358

Richard J. S. Barnes

Record transferred to
Choctaw card # 4159

Choc D 387 Frank P. Jones

D 387

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the enrollment of Frank P. Jones as an intermarried Choctaw; being sworn and examined by Com'r McKesson he testifies:

Q What is your name? A Frank P. Jones.

Q How old are you? A Forty-six.

Q You present here a license issued by the county and Probate Judge of Pontotoc county, Chickasaw Nation, August 10th, 1899, to marry Mary E. Jones, - you married her under this license?

A Yes sir.

Q Were you married to her before? A Yes sir.

Q When? A I was married in 1888.

Q Where? A Near Caddo, Blue county, Choctaw Nation.

Q Under the United States laws? A I don't know; it wasn't under the Choctaw or Chickasaw law.

Q Were you separated or divorced from her? A No sir.

Q This is your second marriage? A Yes sir.

Q She was your wife at the time you married her? A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

70380

Granted
Aug. 11th 1899
Vernon

County of Portola
Judge, Portola
Chickasaw
Nation.

Pontotoc County
Chickasaw Nation

Office of the County Judge
To all to whom this may concern
Be it remembered that I, Simon
Wolf County & Probate Judge of the above
said County & Nation do this day on
the 19th day of Aug. 1899 by the authority
of the laws of the Chickasaw Nation
issue this marriage license to Mr. Frank
P. Jones citizen of the United States
to marry Miss Mary E. Jones nee Barnett
a citizen of the Choctaw Nation
by blood who resides in the Chick-
saw Nation upon application being
made for marriage by native Chickasaw
citizens. Witness my hand this the
19th day of Aug. A. D. 1899

Simon Wolf
County & Probate Judge of Pontotoc
County, Chickasaw Nation

Pontotoc County

Chickasaw Nation

This is to certify that Mr. Frank P.
Jones citizen of the United States and
Mary E. Jones nee Barnett a Cherokee
Indian woman by blood were duly
married on this the 19th day of Aug 1899
according to existing laws of the Chick
asaw Nation.

Witness my hand this the 19th day
of Aug. A. D. 1899.

George Corbett

Indian Minister of the gospel.

This is to certify that the foregoing
marriage license and marriage
certificate of Frank P Jones
and Mary E Jones nee Barnett
being recorded in marriage
record book C page 73 this
the 26th day of Aug A.D. 1899

Sam Imotichey Co & Prob. clerk
Pontotoc County, Okla.

To the

Hon Simon Wolf

Judge Pontotoc County

Chickasaw Nation Indian Ter

We the undersigned citizens of
the Chickasaw Nation herewith
Petition your Honor to grant
unto Frank P. Jones, a United
States Citizen, now living in the
Chickasaw Nation, a License
according to the Chickasaw Laws
to marry Mary E. Jones nee Burnett
a citizen of the Choctaw Nation
by Blood, and who now resides
in the Chickasaw Nation
Signed and Sealed this
18th day of August 1897

Frank P. Jones } United States Citizen

1 George Colbert

2 Thos. Johnson

3 Wm. Johnson

4 Labon Johnson

Benjamin Galt

Wm. E. Jones

Chickasaw
Citizens

COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Choctaw D-387.

Muskogee, Indian Territory, March 1, 1902.

Frank P. Jones,

Allen, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting YOUR right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 10, 1902.

.....
:: In the matter of the application ::
:: of Frank P. Jones for enrollment as ::
:: a citizen by intermarriage of the ::
:: Choctaw Nation. ::
.....

D-387.

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Frank P. Jones for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 10th day of April, 1902, for final consideration.

Now on this 10th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

-----;

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 10th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 11th day of April, 1902.

Hal Belford
Wrenthill Wood

Notary Public.

7-D # 387

IN RE
THE DEATH OF

Frank P. Jones
a citizen of the

Nation.

Approved.

190

Commissioner.

It appearing from the within
affidavit that Frank P. Jones,
died prior to September 25, 1902,
I am of the opinion that the
application for his enrollment
as a citizen by intermarriage of
the Choctaw Nation should be, and
thesame is, dismissed.

Commissioner

Muskogee, Indian Territory.

FEB 2 - 1907

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Frank P. Jones
(Here insert name of deceased.)
a citizen of the Choctaw Nation, who formerly resided at or near
Allen, Ind. Ter., and died on the 3rd day of
March, 1902

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Seaton DISTRICT.

I, Mary E. Crawfordnee Grant, on oath state that I am 34
years of age and a citizen, by Blood, of the Choctaw Nation;
that my postoffice address is Allen, Ind. Ter.; that I was
the lawful wife of Frank P. Jones
(State relationship as the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by inter-marriage, of the Choctaw Nation
and that said Frank P. Jones died on the 3rd day of
March, 1902.

WITNESSES TO MARK:

(Must be two
Witnesses.)

Subscribed and sworn to before me this 3rd day of February, 1907.

Anna S. [Signature]
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, _____, on oath state that I am _____
years of age, and a citizen by _____ of the _____ Nation;
that my postoffice address is _____, Ind. Ter.;
(Here insert name of postoffice.)
that I was personally acquainted with _____
(Here insert name of deceased.)
who was a citizen, by _____, of the _____ Nation;
and that said _____ died on the _____ day of _____
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be two
Witnesses.)

Subscribed and sworn to before me this _____ day of _____, 1907.

Notary Public.

Choctaw D-387

Muskogee, Indian Territory, February 26, 1903.

Frank P. Jones,

Allen, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903.

The Act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

7-D-387.

Muskogee, Indian Territory, August 15, 1904.

Frank P. Jones,

Allen, Indian Territory,

Dear Sir:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 8, 1904.

Frank P. Jones,

Care of Arthur L. Jones,

Allen, Indian Territory.

Dear Sir:-

It appears from our records that on August 30, 1899, you made application to this Commission for enrollment as an intermarried citizen of the Choctaw Nation by virtue of your marriage to Mary E. Barnett.

You are informed that before your application for enrollment as an intermarried citizen of the Choctaw Nation can be given further consideration it will be necessary for you to appear in person before the Commission at its office in Muskogee, Indian Territory, for the purpose of testifying relative to your status as an intermarried citizen on September 25, 1902. It is important that such appearance be made with as little delay as possible.

Respectfully,

Chairman.

7-D-387.

Muskogee, Indian Territory, November 3, 1905.

T. W. Grant,

Allen, Indian Territory.

Dear Sir:

On August 30, 1899, Frank P. Jones appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen by intermarriage of the Choctaw Nation, claiming his right thereto by virtue of his marriage to your present wife, Mary E. Grant. If you have any knowledge relative to the whereabouts of said applicant kindly notify this office of the same at the earliest possible date.

An envelope for reply is enclosed herewith.

Respectfully,

Commissioner.

Enc. Inv.

Muskogee, Indian Territory, November 18, 1905.

Mary E. Grant (Jones),

Allen, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 9, 1905, in which you ask what steps to take to secure the enrollment of your former husband F. P. Jones.

In reply to your letter you are advised that Frank P. Jones has not appeared at this office for the purpose of testifying relative to his intermarried status on September 25, 1902, and until testimony as to such intermarried status is received no further consideration can be given his application for enrollment in the Choctaw Nation.

If he is now dead you are requested to advise this office also giving the date of his death.

Respectfully,

Commissioner.

Choc D 388 John F. Hail

D 388

D- 3
John T. Hail

CANCELLED
applicant died prior to ratification of the Choctaw-
Chickasaw agreement Sept. 25, 1900

Allen Ind T. Aug - 26 - 1897.

To the Hon Dawes Commission
Gentlemen: Find enclosed
a copy of Marriage Certificate
Between John T Hail, and
Adah Barnett. Said John T.
Hail having been a citizen
of the United States, and his
wife, ^{Adah Barnett} being a citizen of the
Choctaw Nation Ind T. Now wishes
your Honorable Body, to enroll
said John T. Hail, as a citizen
of the Choctaw Nation Ind T.
Yours Respt - John T. Hail
sworn to and subscribed
before me this 14 day of
August 1896

John T. Hail
Adah Barnett
Notary Public

Ullern Ind. T. Aug. 26. 1897.

To the

Hon. Laws Commission

This is to certify that a copy of
marriage certificate, between
John T. Hail, and Ada Barnett,
has been sent to the Chief
of the Choctaw Nation.

sworn to and subscribe before

me this 26 day of of august 1897

Ada Barnett

John T. Hail

Notary Public

E. J. Barnett

Sworn to and subscribed
before me this 26 day of
August 1886

v

John T. Gilmore
Notary Public

Copy "

Marriage License.

To all whom these presents may come,
Greeting, know ye that I, in
pursuance of an application of John
T. Hail, a Citizen of the United
States for a license to marry;
Adah Barnett, a Citizen of the
Choctaw Nation, the same being
in due form, and satisfying the re-
quirements of the laws of said
Nation, in reference to intermarriage
with non-citizens; and by virtue of
the authority vested in me;
do hereby issue this license
for the above named parties to be
joined together in matrimony

Witness my hand and ^{Official} Seal this 12th
of Aug - A. D. 1897, D. F. Wade Clerk.

Certificate of Solminization.

This is to certify that, I, in accordance with
the above authority, have united Mr.
John T. Hail, and Adah Barnett,
the parties mentioned in the above
license on this the 12th day of Aug -
1897. E. M. Everidge Circuit Judge
3rd Dist. C. N. ~~Recorded~~ Book, Page 504.
this 14. day of Aug. 1897. D. F. Wade Clerk.
Jackson Co. Choctaw Nat -

Allen Choctaw Nat- Ind. T.

August 26. 1899.

To The Hon- News Commission

This is to certify that a
copy of Marriage Certificate
Between J. D. Barnett and
L. A. Cambell has been
served ^{sent to the} ~~on~~ Chief of the
Choctaw Nation

sworn to and subscribed to
before me this 16 day of
August 1896

John T. Gilmore
Notary Public

(J. D. Barnett)
(L. A. Cambell)

Chicklaw Nation
August 2nd 1897

Marriage Certificate

This is to certify that I W. J. Ginn did execute the rite of Matrimony between J. D. Barnett and L. A. Campbell on the 24th of December A.D. 1896

Witness my hand -
Regular ordained of Ginn a
Minister. My credentials are
recorded in the clerk's office
at Ardmore - recorded in Book
A - Page 743 W. J. Ginn

Witnesses } S. J. Fisher
 } L. J. Jones
 } J. A. Albers

Done to and subscribed before
me this second day of August 1897

John D. Gilmore
Notary Public

John P. Nail

Choctaw Nation.

FILED

AUG 20 1897

W. W. January.

RECORDED

D 388

Allen Ind. Ter.
Aug 2^d 1889

To the
Hon. Dawes Commission

Gentlemen

Find

inclosed a copy of Marriage
certificate of J. D. Burnett and
L. A. Campbell. said J. D. Burnett
being a Choctaw citizen. & has
been regularly enrolled as a citizen
of the Choctaw nation. now wishes
your Honorable body to enroll
his wife L. A. Burnett she having
been a United States citizen.

Yours Resp,

J. D. Burnett

you must comply
with our circular inclosed

Yours truly,

A. S. Mendenhall

(writing off) J. D. Burnett

C. J. Burnett

same to and sub. Encl'd before are this

17th day of August 1889 John J. Gilman

Notary Public

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 10, 1902.

.....
:: In the matter of the application ::
:: of John T. Hail for enrollment as a :: D-388.
:: citizen by intermarriage of the ::
:: Choctaw Nation. ::
.....

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of John T. Hail for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 10th day of April, 1902, for final consideration.

Now on this 10th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 10, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 11th day of April, 1902.

Charles M. H. Wood

Notary Public.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

RECORD IN REPLY TO THE FOLLOWING

Choctaw D-388.

Muskogee, Indian Territory, March 1, 1902.

John T. Hail,

Purcell, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Register.

Commissioner in Charge.

I do solemnly swear that I will honor
defend and submit to the Constitution
and laws of the Choctaw Nation and will
neither claim nor seek from the United States
Government or from the Judicial Tribunal
thereof any protection privilege or redress
incompatible with the same as guaranteed
to the Choctaw Nation by the Treaty stipulations
entered into between them So help me God

John. T. Hail

Sworn to and subscribed

before me this 17 day of Aug. 1897

D. F. Wade

70388

MARRIAGE LICENSE.

To all whom these presents shall come, greeting know ye that I, in
pursuance of an application of *John D. Hail*
a citizen of the United States for a license to marry
Adah Barnett a citizen of the Choctaw Nation the
same being in due form and satisfying the requirements of the laws of
said Nation in reference to inter-marriage with non-citizens; and by
virtue of the authority vested in me; do hereby issue this license for the
above named parties to be joined together in matrimony.

Witness my hand and official seal this *12* day of
Aug. A.D. 18*87*

D. F. Wade Clerk

CERTIFICATE OF SOLEMNIZATION.

This is to certify that, I, in accordance with the above authority,
have united Mr. *John D. Hail* and

Adah Barnett the parties mentioned in the
above license on this the *12* day of *August*

18*87* *E. M. Everidge* Circuit Judge *J. D. Smith* C. J.

Recorded Book

Page 504

this *14* day of

Aug.

18*87*

D. F. Wade, Clerk,
Jackson County,
Choc. N.

INDEXED

78 388

IN RE
THE DEATH OF

John T. Hail

a citizen of the

Choctaw

Nation.

Approved

OCT 22 1902

1


Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 22 1902


ACTING CHAIRMAN.

CHOCTAW.

5388

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *John T. Hail*
(Here insert name of deceased.)
 a citizen of the *Choctaw* Nation, who formerly resided at or near
Norman Ok., Ind. Ter., and died on the *4* day of *March*,
(Here insert name of post office.)
 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Southern District.

I, *Ada Ward*, on oath state that I am *23*
 years of age and a citizen, by *blood*, of the *Choctaw* Nation;
 that my post office address is *Dibbell*, Ind. Ter.; that I am
the wife of *John T. Hail*
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by *intermarriage*, of the *Choctaw* Nation;
 and that said *John T. Hail* died on the *4* day of
March, 1901.
(Here insert name of deceased.)

WITNESSES TO MARK.

Ada Ward

(Must be Two Witnesses.)

Subscribed and sworn to before me this *16th* day of *October*, 190*2*
R. Beames
 Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Southern District.

I, *Elizabeth Barnett*, on oath state that I am *47*
 years of age, and a citizen, by *blood*, of the *Choctaw* Nation;
 that my post office address is *Dibbell*, Ind. Ter.;
 that I was personally acquainted with *John T. Hail*
(Here insert name of post office.) (Here insert name of deceased.)
 who was a citizen, by *intermarriage*, of the *Choctaw* Nation;
 and that said *John T. Hail* died on the *4* day of
March, 1901.
(Here insert name of deceased.)

WITNESSES TO MARK.

Elizabeth x Barnett
mark

(Must be Two Witnesses.)

Subscribed and sworn to before me this *16th* day of *October*, 190*2*
R. Beames
 Notary Public

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS S. NEEDLES,
C. R. BRACKENRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 18, 1900.

John T. Hail,
Purcell, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised is to your right to enrollment under your second marriage.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Thomas S. Needles
Acting Chairman.

Annie Murphy.

GRANTED.

*and transferred
Choctaw 4175.*

MAY 15 1905

100
Bollinger

Record transferred to

CHOCTAW: # 5802

Choc D391 Green w. cude

Dismissed Jan 21, 1905

D391

(1)

(1)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of-

Green W. Cude.

7-D-391.

Commission to the Five Civilized Tribes,
Atoka, Indian Territory.

In the enrollment of Green W. Cude as an intermarried Choctaw; being sworn and examined by Com'r McKennon he testifies:

Q What is your name? A Green W. Cude.

Q How old are you? A Twenty-nine.

Q You present here a license issued by the Clerk of the county Court of Jack's Fork county, Choctaw Nation, dated August 29th 1899, to marry Lucy Cude; were you ever married to her before?

A Yes sir.

Q When? A In 1896.

Q Where? A At Ardmore.

Q Under the united States law? A Yes sir.

Q Were you separated or divorced from her? A No sir.

Q This then was a second marriage? A Yes sir. I just married over, yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

Certificate of Record of Marriages

Jackfork County Indian Territory
Cherokee Nation.

I, H. A. Johnson, Clerk of Jackfork County and
Nation aforesaid. Do hereby certify that the
License for and certificate of the Marriage of
Mr. L. W. Cude and Mrs. Lurey Cude, were filed
in my office in said Nation and County the
14th day of September A.D., 1894; And duly
recorded in Book 1 of Marriage Record
Page 303.

Witness my hand and seal this the 14th
day of September A.D. 1894.

H. A. Johnson

Clerk

MARRIAGE LICENSE.



Choctaw Nation,

Jacks / M County.

ss.

To any person authorized by law to solemnize marriages—

Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. G. H. Cude, of Ardmore, in the Indian Territory, aged 29 years, a citizen of the United States, and Mrs. Lucy Cude, of Ardmore, a citizen of the Cherokee Nation in the Indian Territory, aged 20 years, according to law, and do you officially sign and return this license to the parties therein named.

Witness my hand and official seal, this 29th day of August A. D., 1899

H. A. Johnson,
Clerk of the County Court.

By

Deputy.

CERTIFICATE OF MARRIAGE.

Choctaw Nation,

Stoke County.

ss.

I, Rev. Hewlson, a Minister of the Gospel

Do hereby certify, that on the 24 day of Aug, A. D., 1899, I did duly, and according to law, as commanded in the foregoing license, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this 24 day of Aug. — A. D., 1899.

H. Hewlson

COMMISSIONERS
HARRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

RECEIVED

Choctaw D-391.

Muskogee, Indian Territory, March 1, 1902.

Green W. Cude,

Ardmore, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Register.

T. B. Needles.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 10, 1902.

.....
:: In the matter of the application ::
:: of Green W. Cude for enrollment as ::
:: a citizen by intermarriage of the ::
:: Choctaw Nation. ::
.....

D-391.

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Green W. Cude for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 10th day of April, 1902, for final consideration.

Now on this 10th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear, either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 10, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 11th day of April, 1902.

Harriet Willard
Notary Public/

ans
66

7-D-391

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

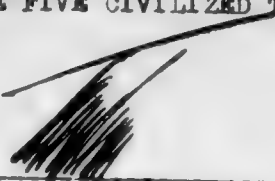
In the matter of the application for the enrollment of
Green W. Cude, as a citizen by intermarriage of the Choctaw Nation.

-oOo-

The applicant, Green W. Cude, claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage to Lucy Cude.

The right of the applicant's wife, Lucy Cude, (as Lucy Cude, nee Huffman) to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of November 29, 1904, in case number 37 upon the Tishomingo docket of said court, it is hereby ordered that the application for the enrollment of Green W. Cude as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Muskogee, Indian Territory,

JAN 21 1905

Chootaw D-391.

COPY.

Muskogee, Indian Territory January 21, 1905.

Green W. Gude,

Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 21, 1905, dismissing your application for enrollment as a citizen by inter-marriage of the Chootaw Nation.

Respectfully,

~~RECORDED~~

Jame Bixby

Chairman.

Registered.

Incl. 7-D-391.

Cchoetaw D-391.

OOPY.

Muskogee, Indian Territory, January 21, 1905 .

Mansfield, McMurray & Cornish,

Attorneys for Cchoetaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 21, 1905, dismissing the application for the enrollment of Green W. Cude as a citizen by intermarriage of the Cchoetaw Nation.

Respectfully,

SIGNED).

James Duxey

Chairman.

Incl. 7-D-391.

Muscogee, Indian Territory,

August 16th, 1900.

Green W. Gule,

Armore, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKinnon, Mansfield, McArra, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-391.

Muskogee, Indian Territory, September 18, 1900.

Green W. Gude,

Ardmore, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The objection raised is, that you have not complied with the Choctaw intermarriage law.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

(Copy)

COMMISSIONER
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Choctaw D 391 -
Choctaw 5110

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1903.

L. T. Bell,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 5, asking if William Green Cude and his wife, Lucy Cude, and their children, Arthur Clayton, William, Clarence and Vera Cude are on the rolls .

In reply to your letter you are advised that it appears from our records that Lucy Cude and her children, Clayton , William, Clarence and Vera Cude were admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, December 22, 1898.

On December 17, 1902, the "Choctaw-Chickasaw Citizenship Court, created under the provisions of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations, *Sept. 23, 1902* vacated and set aside all judgments of the United States Courts in Indian Territory, admitting persons to citizenship in the Choctaw and Chickasaw Nations.

It may be added, however, that lands upon which so-called court claimants have improvements, not in excess of lawful allotments,

L T B :

will not be allotted to any citizen until the rights of the said court claimants are finally determined.

It further appears from our records that Green W. Gude, husband of Lucy Gude, and father of the children above named, is an applicant to this Commission for enrollment as an intermarried citizen of the Choctaw Nation, by virtue of his marriage to Lucy Gude.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, December 10, 1900.

G. W. Oude,

Marietta, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 3rd instant relative to the protest filed against your enrollment by the legal representatives of the Choctaw Nation and in which you ask wherein you have failed to comply with the Choctaw inter-marriage law.

You are informed that the records of the Commission show that you were married to your wife first under United States License and then under Choctaw license, and for that reason the Representatives of the Choctaw Nation are objecting to your enrollment.

Yours truly,

Acting Chairman.

7-D-391

on your wife Lucy Cude in case No. 37 on the Tishomingo docket.

You are further advised that by an opinion of the Assistant Attorney General recently rendered it was held that the Commission had no jurisdiction in 1896 over persons who prior to that date had a tribal status, but it does not appear from our records that your wife Lucy Cude was prior to 1896 a recognized and enrolled citizen of the Choctaw Nation, and the Commission can take no further action in this case except under specific directions of the Secretary.

W. J. Cude,
Bradley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 22, 1905, addressed to the Secretary of the Interior which has been by him referred to this Commission for consideration and appropriate action. Therein you state that your wife is a Choctaw and Chickasaw citizen by blood and can furnish the necessary proof to establish these facts and you ask to be advised in the matter.

In reply to your letter you are informed that it appears from our records that on November 29, 1904, the Choctaw and Chickasaw Citizenship Court denied the citizenship in the Choctaw Nation of your wife Lucy Cude in case No. 37 on the Tishomingo docket.

You are further advised that by an opinion of the Assistant Attorney General recently rendered it was held that the Commission had no jurisdiction in 1896 over persons who prior to that date had a tribal status, but it does not appear from our records that your wife Lucy Cude was prior to 1896 a recognized and enrolled citizen of the Choctaw Nation, and the Commission can take no further action in this case except under specific directions of the Secretary.

W. J. C. 42

retary of the Interior.

Respectfully,

Chairman.

MEMORANDA.

we
 391 *Green M. Cook* (Date) *Aug 30* 1890.

Choctaw? *ye* County Year No.
 Chickasaw? County Year Page
 Citizen by blood? Mother's citizenship *us*
 Intermarried citizen? *ye*
 Married under what law? *Choc*
 License filed this day, *ye*
 Wife's name,

Choctaw? County Year No.
 Chickasaw? County Year Page
 Citizen by blood? Mother's citizenship
 Intermarried citizen?
 Married under what law?
 License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

*as to ... his testimony
 see Choc Court Co. D # 15-6 - for
 his wife Lucy & children*

1391

Choc D392 Samuel Tucker

Dismissed Feb 10, 1905

D392

(1)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment
as a citizen by intermarriage of the Choctaw Nation of-

Samuel Tucker.

7-D-392.

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the enrollment of Samuel Tucker as an intermarried Choctaw; being sworn and examined by com'r McLennan he states:

Q What is your name? A Samuel Tucker.

Q How old are you? A Twenty-eight.

Q You present here a license issued by the County Clerk of Jack's Fork county, dated August 29th, 1899, to marry Susie Tucker, ~~WERE~~

were you ever married to her before? A Yes sir.

Q When? A In 1896.

Q Where? A At Ardmore.

Q Were you divorced from her? A No sir.

Q You separated from her? A No sir.

Q This was a second marriage? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. McLean

(Certificate of Record of Marriages -
Jacksfork County Indian Territory
Cherokee Nation.
I, H. A. Johns Clerk of Jacksfork County
and Nation aforesaid. Do hereby Certify That,
the License for ^{and} certificate of the Marriage of
Mr. Sam Tucker and Mrs. Susie Tucker, was
filed in my office in said Nation and County
the 14th day of September, A.D. 1899; And
duly recorded in Book 1 of Marriage Record
Page 304.

Witness my hand and seal this the
14th day of September A.D., 1899.

H. A. Johns
Clerk

MARRIAGE LICENSE.



Choctaw Nation,

Adams County.

SS.

To any person authorized by law to solemnize marriages—

Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. *James Tucker*, of *Admore*, in the *Indian Territory* aged *21* years, a citizen of the *United States*, and Mrs. *Susie Tucker*, of *Admore*, a citizen of the *Choctaw Nation* in the *Indian Territory*, aged *24* years, according to law, and do you officially sign and return this license to the parties therein named.

Witness my hand and official seal, this *29th* day of *August* A. D., 189*7*.

H. A. Johnson

Clerk of the County Court.

By

Deputy.

CERTIFICATE OF MARRIAGE.

Choctaw Nation,

Adams — County.

SS.

I, *Rev. Hewison*, a
minister of Gospel.

Do hereby certify, that on the *29* day of *Aug*, A. D., 189*7*, I did duly, and according to law, as commanded in the foregoing license, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this *29* day of *Aug*, A. D., 189*7*

H. Hewison

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

Choctaw D-392

Muskogee, Indian Territory,

March 1, 1902.

Samuel Tucker,

Ardmore, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 10, 1902.

.....
:: In the matter of the application ::
:: of Samuel Tucker for enrollment as ::
:: a citizen by intermarriage of the ::
:: Choctaw Nation. ::
.....

D-392.

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Samuel Tucker for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 10th day of April, 1902, for final consideration.

Now on this 10th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear, either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April, 10, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 11 day of April, 1902.

Hal Belford
Henry Mitchell
Notary Public.

all
A. T. C.

-D-802.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samuel Tucker for enrollment as a citizen by intermarriage of the Choctaw Nation.

-----0-----

It appears from the records of the Commission that on September 9, 1896, in the case entitled "Mary Huffman, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 1345), original application was made to this Commission, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 321), for the admission to citizenship in the Choctaw Nation of Samuel Tucker, claiming the right thereto by reason of his marriage to Susie Tucker, an alleged citizen by blood of the Choctaw Nation; that on December 3, 1896, this Commission rendered its decision denying said application, that from this decision of the Commission an appeal was taken to the United States Court for the Southern District of Indian Territory, which Court, on December 22, 1897, in the case entitled "Mary Huffman, et al., vs. Choctaw Nation", (Citizenship Case No. 137) entered of record a judgment affirming the decision of this Commission, and denying to the said Samuel Tucker, admission to citizenship in the Choctaw Nation. Said cause, as to the said Samuel Tucker, has not been appealed to the Choctaw and Chickasaw Citizenship Court, created by the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641) for a trial de novo.

It further appears from the record herein and from the census card record that on August 30, 1899, said Samuel Tucker made application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation, claiming the right thereto by reason of his remarriage on August 29, 1899, under the laws, customs and usages of the Choctaw Nation, to the said Susie Tucker.

The right of the said Susie Tucker, to citizenship in the Choctaw Nation, has been lawfully determined by a decree of the Choctaw and Chickasaw Citizenship Court on November 29, 1904, in Case No. 10, upon the Transcript Docket of said Court, and it is ordered that the application of Samuel Tucker for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Washington, Indian Territory,

SEP 10 1904


Chairman.

Choctaw D 392

COPY.

Muskogee, Indian Territory, February 10, 1905.

Samuel Tucker,

Ardmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated February 10, 1905, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

Jane Bixby

Chairman.

Registered.

Incl. 7-D-392

Choctaw D 392

COPY.

Muskogee, Indian Territory, February 10, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated February 10, 1905, dismissing the application for the enrollment of Samuel Tucker as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

(SIGNED).

James Bixby

Chairman.

Incl. 7-D-392

Muscogee, Indian Territory,

August 18th, 1900.

Samuel Tucker,

Ardmore, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of pretest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-392.

MEMORANDA.

WC

(Date)

1899.

Name Samuel Tucker

Choctaw? yes County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship US

Intermarried citizen? yes

Married under what law? Choc

License filed this day, yes

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

admitted as to his former marriage see his testimony. See Choc Court #122 for enrollment of his wife Susan Tucker

D 392

Choc D 393 Eva Florice

D393

N 393

Eva Morice

CANCELLED

Applicant died prior to the satisfaction of the
Charters-Burman agreement on September 20, 1902

Commission to the Five Civilized Tribes,
Atoka, Indian Territory.

In the enrollment of Eva Florice as an intermarried Choctaw;
Charles Florice being sworn and examined by Com'r McKennon states:

Q What is your name? A Charles Florice.

~~xxxxxxxxxx x xx~~

Q You present here a license issued by the Clerk of the United States court for the Central District of the Indian Territory, dated August 29th, 1899, to marry Mrs. Eva Sturdevant, were ever you married to her before? A No sir.

Q This is your first marriage? A Yes sir.

Q You were admitted by the United States court at Ardmore, December 1898? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.
Malmean

70393

No. 537

Certificate of Record of Marriages.

UNITED STATES OF AMERICA, }
THE INDIAN TERRITORY, } SCT.
CENTRAL DISTRICT.


I, E. J. FANNIN, Clerk of the United States Court in the Indian Territory and District aforesaid, do hereby CERTIFY that the License for and Certificate of the Marriage of

Mr. *Chris Fannin* and
Mrs. *Eva Sturdivant*

was filed in my office in said Territory and District the *29* day of *Aug* A. D. *1899* and duly recorded in Book *One* of Marriage Record, Page *269*

WITNESS my hand and seal of said Court, at *Atoka* this *29* day of *Aug* A. D. *1899*

E. J. FANNIN,
Clerk.

By  Deputy.

MARRIAGE LICENSE.

No. [REDACTED]

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
CENTRAL DISTRICT. } SS.

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rite and publish the BANS OF MATRIMONY between
Mr. Charles Florice
of Noxbor in the Indian Territory, aged *26*
years, and Mrs. Eva Sturdivant
of Noxbor in the Indian Territory, aged *18*
years, according to law, and do you officially sign and return this
License to the parties therein named.

WITNESS My hand and official seal, this *29* day of *Aug* A. D. *1899*

D. N. Robt

Deputy.

E. J. Gammie
Clerk of the United States Court.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
CENTRAL DISTRICT. } SS.

I, *A. W. Sturdivant*
a Minister of the Gospel
do hereby CERTIFY, that on the *29th* day of *August* A. D. *1899*
I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and
publish the BANS OF MATRIMONY between the parties therein named.

Witness my hand this *30th* day of *Sept* A. D. *1899*

My credentials are recorded in the office of the Clerk of the United States Court in the
Indian Territory, Central District, Book *11*, Page *111*



A. W. Sturdivant
a Minister of the Gospel

NOTE: This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of the Indian Territory, from whence it was issued within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100.00).

CHOCTAW.

02.

IN RE
THE DEATH OF

Evie Florida
a citizen of the
Choctaw Nation.

Approved OCT 31 1901 1

C. R. Breckinridge
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 31 1901

[Signature]
ACTING CHAIRMAN

CHOCTAW.

A-395

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *Mrs. Eva J. Florice*
(Here insert name of deceased.)
 a citizen of the *Choctaw* Nation, who formerly resided at or near
Arduone, Ind. Ter., and died on the *6* day of *January*,
(Here insert name of post office.)
 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY.*Southern* District.)

I, *Mrs. Susan Tucker*, on oath state that I am *37*
 years of age and a citizen, by *Blood*, of the *Choctaw* Nation;
 that my post office address is *Arduone*, Ind. Ter.; that I am
(Here insert name of post office.)
Sister in law of *Eva J. Florice*
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by *intermarriage*, of the *Choctaw* Nation;
 and that said *Eva J. Florice* died on the *6* day of
January, 1901
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this

day of *October* 1901.*J. Williams*

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY.*Southern* District.)

I, *Mrs. Mattie Whitney*, on oath state that I am *29*
 years of age, and a citizen, by *Arduone*, of the *United States* Nation;
 that my post office address is *Arduone*, Ind. Ter.;
(Here insert name of post office.)
 that I was personally acquainted with *Mrs. Eva J. Florice*
(Here insert name of deceased.)
 who was a citizen, by *intermarriage*, of the *Choctaw* Nation;
 and that said *Eva J. Florice* died on the *6* day of
January, 1901
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this

day of *October* 1901*J. Williams*

Notary Public

Puscogee, Indian Territory,
August 18th, 1900.

Eva Florice,

Hoxbar, Indian Territory.

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-393.

Muskogee, Indian Territory, September 18, 1900.

Eva Florioe,

Hoxbar, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The objection raised, is the inefficiency of your marriage according to the Choctaw Laws.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

Hunkogee, Indian Territory, October 31, 1901.

H. H. Brown,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th instant, enclosing the application for enrollment as a citizen of the Choctaw Nation of Yourland Florice, the infant daughter of Charles F. and Eva J. Florice, deceased, born December 31, 1900. Also the affidavit of Charles Florice as to the proper spelling of his own and his deceased wife's names and also the affidavits of Susie Tucker and Mrs. Mattie Whitney as to the death of Eva J. Florice on January 6, 1901.

The evidence of the death of Eva Florice being in proper form, has been filed and her death made a matter of record.

The affidavit of Charles Florice has also been filed as sufficient evidence of the discrepancy in the names of Mr. Florice and his wife and the application for the enrollment as a citizen of the Choctaw Nation of Yourland Florice, being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

No. 7 D 393

7-5078

Acting Chairman.

MEMORANDA.

(Date) 1899.

Name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name, *Eva Florice*

Choctaw? *yes* County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship *US*

Intermarried citizen? *yes*

Married under what law? *Choc*

License filed this day *yes*

Names of children:

.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.

*See Put on 1100 Hunt St. & 1112 - with
for her husband & Charles Florice
as to marriage & testimony
Chas Florice.*

13913

Miller

Good transferred to
Hochaw card #5752

CHOCOLA W.

D. 395

George Rogers et al.

Recd Transferred to
Chetaco card #5656

D. 396

Thomas D. Lee, et al.

Record Transferred to
Choctaw card #5657

Choc D397 Lucy Dick

0397

MEMORANDA.

(Date) Aug 31 1899.

Name

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name, Lucy Dick

Choctaw ? County Atoka Year 96 No. 3618

Chickasaw ? County Year Page 87

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children:

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

✓ Chickasaw that she is Choctaw, and to the country for 11 years with the Chickasaws - found on Choctaw Roll of 1896 - Has never lived anywhere except among the Chickasaws and Choctaws See book This 1397

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 10, 1902.

.....
:: In the matter of the application ::
:: of Lucy Dick for the enrollment of ::
:: herself as a citizen of the Choc- ::
:: tow Nation. ::
{::.....

D-397.

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902 the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Lucy Dick would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee Indian Territory, on the 10th day of April, 1902, for final consideration.

Now on this 10th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant appears by her attorney, Mr. A. Telle, who submits her cause upon the following statement.

By Attorney:

Lucy Dick is a very old woman, blind, and unable to get around and attend to even the ordinary cares of life; she asked me simply as a friend to present her case and submit it just on whatever facts have been presented, and let it go for what it is worth. She realizes that she has no rights that she can demand; she says that in an early day she came from the States of Alabama with the Chickasaws when they came out and she says that she is not a Chickasaw, but an adopted citizen of the Chickasaw Nation, being a Creek by blood. Since that time and all of her life she has always been recognized as a Chickasaw and has been paid annuities and all the privileges that accrue to Chickasaw citizenship have been extended to her; although she is adopted or at least that has always been the understanding, she is not in possession of the proof, because there is no one of the Chickasaw tribes old enough to remember anything about it, and although she is a Creek she has never been recognized as a Creek, nor is she on any Creek roll that she knows of, although she has a sister, I believe, or close relatives by the name of Harry who are recognized Creeks. She says that she is so old that she will simply submit it to the Commission. All her grand children and children are on different rolls of the Choctaw and Chickasaw rolls.

(2).

By the Commission.

This case will now be considered upon the evidence and record as now made up and on file.

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 10, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 10 day of April, 1902.

Hal Belford
Chas. M. Fullwood

Notary Public.

COMMISSIONERS
HENRY L. DAVIS,
TAMM DUDLEY,
THOMAS B. NEEDLES,
C. R. BOWLINGHOUSE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Choctaw D-367.

Muskogee, Indian Territory. March 1, 1902.

Lacy Dick,

Wapanucka, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Register.

Commissioner in Charge.

IN RE

THE DEATH OF

Lucy Dick
a citizen of the

CHOCTAW

Nation.

Approved MAR 6 1905 190

C. R. Anderson
Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

MAR 6 1905

~~W. C. B.~~
CHAIRMAN

CHOCTAW

D 377

W. C. B.

32

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

In the matter of the death of Lucy Dick
(Here insert name of deceased.)
a citizen of the Choctaw Nation, who formerly resided at or near
Napanucka Ind. Ter., and died on the 8th day of
July 1902.
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Central DISTRICT. }
I, Elizabeth Dick, on oath state that I am 62
years of age and a citizen, by blood, of the Choctaw Nation;
that my postoffice address is Napanucka Ind. Ter.; that I am
daughter-in-law of Lucy Dick
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Choctaw Nation;
and that said Lucy Dick died on the 8th day of
July 1902. Elizabeth Dick
WITNESSES TO MARK :

(Must be Two
Witnesses.) }

Subscribed and sworn to before me this 22nd day of February 1905.

Wirt Franklin
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Central DISTRICT. }
I, Sophie Harkins, on oath state that I am 34
years of age, and a citizen by blood, of the Choctaw Nation;
that my postoffice address is Napanucka Ind. Ter.;
that I was personally acquainted with Lucy Dick
(Here insert name of deceased.)
who was a citizen, by blood, of the Choctaw Nation;
and that said Lucy Dick died on the 8th day of
July, 1902. Sophie Harkins
WITNESSES TO MARK :

(Must be Two
Witnesses.) }

Subscribed and sworn to before me this 22nd day of February 1905.

Wirt Franklin
Notary Public.

Muskogee, Indian Territory, February 21, 1903.

Commission to the Five Civilized Tribes,

(Creek Enrollment Division.)

Muskogee, Indian Territory.

Gentlemen:

It appears from the records of the Commission that on August 31, 1899, Lucy Dick, age 83 years, made application to the Commission for enrollment as a citizen of the Choctaw Nation and from the census card record in this case it appears that the father of this woman was Silas -----, an alleged Chickasaw Indian, and her mother was Betsy -----, an alleged Creek Indian; that the applicant has always made her home among the Choctaws and Chickasaws and that her present postoffice address is Wapanucka, Indian Territory.

On an examination of the rolls of the Choctaw and Chickasaw Nations in the possession of the Commission, her name is identified on the 1886 Choctaw census roll, Atoka County, page 26, No. 778, also on the 1893 Maytubby roll of Chickasaws residing in the Choctaw Nation, page 13, No. 355, and on the 1896 Choctaw census roll, Atoka County, No. 3618.

You are requested to advise the Choctaw-Chickasaw Enrollment Division whether the name of this woman is found upon any of

Commissioner

the rolls of citizens of the Soviet Nation in the possession of the Commission and whether any had ever made application to the Commission or been listed for admission as a citizen of said nation and, if so, what disposition has been made of such application.

Respectfully,

Chairman.

Cheetaw-D-397

Muskegee, Indian Territory, February 28, 1903.

A. Telle,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

It appears from the records of the Commission that you represent Lucy Dick, of Waupanucka, Indian Territory, in the matter of her application before the Commission for enrollment as a citizen of the Choctaw Nation.

You are advised that the Commission is not in the possession of sufficient evidence upon which to determine the right of this woman to enrollment as a citizen of the Choctaw Nation and it is desirable that she appear before the Commission in person and testify relative to her right to such enrollment.

For the purpose of hearing such additional testimony in Choctaw and Chickasaw enrollment cases, the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you are requested to have the said Lucy Dick appear before the Commission at said place on one of the above dates for the purpose herein indicated. If it is impossible for her to appear in person, the Commission will hear the testimony of any witnesses who are familiar with this woman's status as a citizen of the Choctaw Nation.
Respectfully,

Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Wofa.

Muskogee, Indian Territory, March 4, 1903.

Commission to the Five Civilized Tribes,
(Choctaw-Chickasaw Division),
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of February 21, 1903, asking to be advised if the name of Lucy Dick can be found upon any of the rolls of citizens of the Creek Nation in the possession of the Commission, and whether she has ever made application to the Commission for enrollment as a citizen of said Nation, and, if so, what disposition has been made of such application.

Replying thereto you are advised that no person by the name of Lucy Dick has been listed for enrollment as a citizen of the Creek Nation, nor is there any record of any application having been made to the Commission for her enrollment as a citizen of said Nation.

You are further advised that from an examination of the tribal rolls of the Creek Nation the names of Lucy Dick and Susan Dick are found on the 1890 authenticated tribal rolls, Tuckabatche town, on page 238, but that they have never been identified as Creek citizens,

Respectfully,

Chairman.

Choctaw-D-307.

Muskogee, Indian Territory, October 13, 1904.

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

It appears from the records of the Commission that on August 31, 1899 Lucy Dick, age eighty-three, made application to the Commission for enrollment as a citizen of the Choctaw Nation.

From information furnished by the Creek Enrollment Division it appears that the name of said Lucy Dick appears upon the 1890 authenticated tribal roll of the Creek Nation, Tuckabatche town, on page 238.

You are requested to advise the Choctaw-Chickasaw Enrollment Division as to whether or not said Lucy Dick has been listed for enrollment as a citizen of the Creek Nation, and if so, what disposition has been made of her application.

Respectfully,

Commissioner in Charge.

COMMISSIONER:
WILLIAM H. HARRIS,
THOMAS D. HARRIS,
C. A. HARRIS.

W. H. HARRIS,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NGX

DATE OF ISSUE TO THE COMMISSIONER
Choctaw D 397

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 15, 1904.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division.
Muskogee, Indian Territory.

Gentlemen:

Replying to your inquiry concerning the citizenship of Lucy Dick you are advised that it appears from the records of this division that no application has been made for her enrollment as a citizen of the Creek Nation.

Respectfully,



Commissioner in Charge.

D. 3

John S. Adams.

Record transferred to
Chester card #5760.

D. 399

Annie Dunn, et al.

Record Transferred to
Choctaw card #5658.

Edwin A. Horton

REFUSED

JUL 1 1906

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

JUL 13 1906

COPY OF DECISION
APPLICANT

JUL 13 1906

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

JUL 13 1906

RECORD FORWARDED

JUL 13 1906

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAY 12 1907

NOTICE OF DEPARTMENTAL ACTION
MAILED PARTIES HEREIN

MAY 23 1907

Commission to the Five Civilized Tribes,
Atoka, Indian Territory.

In the enrollment of Edwin A. Thornton as an intermarried
Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A Edwin A. Thornton.
Q How old are you? A Twenty-four.
Q You are a Choctaw by blood are you? A No sir.
Q You present here a license issued by the Clerk of the County
Court of Atoka County, dated August 21st, 1899, to marry Sylvia
Thornton? A Yes sir.

Q You had been married to her before? A Yes sir.
Q When? A 17th of August this year.
Q Under the United States law? A Yes sir.
Q This was a second marriage? A Yes sir.
Q Were you separated or divorced from her? A No sir.
Q Com'r (Choc. Lewis): What was her maiden name?
A Sylvia Goforth; she was a widow; her maiden name was Morris;
she was a Choctaw and an orphan girl.

Examined by Choctaw Att'y Shackelford:

Q Where did you live when you got your license?
A In the Chickasaw Nation.
Q You got your license here in Atoka County? A Yes sir.
Q You had never lived here? A Yes sir, I had lived in the
Choctaw nation.
Q You didn't live here when you got your license?
A No sir, she lived here in Atoka; I married her in Lehigh.
Q Choc. Com'r Lewis: How long had she been living here?
A Two months.
Q Com'r McKennon: How long had you been living in the Choctaw
and Chickasaw country when you married her? A About five years

Edwin A Thornton #2)

Q Choctaw Com'r Lewis: Your hams was up there and you and her separated long enough for you to come down here, and marry her?

A No sir, she had been here for two months when we married; I married her in Atoka 17th of August, and in Lehigh the 21st of August.

Q Com'r Needles: Last August? A Yes sir.

Q Shackelford: Did any Choctaws sign your recommendation?

A Yes sir.

Q Real Choctaws? A Mr. Telle did.

Examined by Chickasaw Att'y Mansfield:

Q Was your wife living here in Atoka when you married her, or temporarily here? A She had been living here.

Q Where had she been living before that? A In the Chickasaw Nation.

Q And she moved down here? A Yes sir.

Q Did you have any agreement with her that she was to come down here so you could marry here? A No sir.

Q By Shackelford: Was her mother a Chickasaw or a Choctaw?

A She said her mother was Choctaw.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to above named Commission that this transcript is a true, full and correct translation of my stenographic notes.

Signed: M. D. Green

Lenora B. Ashton, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and complete copy of the original transcript.

Lenora B. Ashton

Subscribed and sworn to before me this 8th day of February, 1906.

W. H. White
Notary Public.

I do certify that the within
License is Recorded in my of-
fice in Vol. No. 2, Page 377.

R W Harrison,
Co. Clerk,
Atoka County,
Choctaw Nation.

C O P Y.

MARRIAGE LICENSE.

Choctaw Nation,)
) ss. To any person authorized by law to
 Atoka County.) solemnize marriage.....Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matirmony between Mr. Edwin A. Thornton, of Mill Creek, in the Ind. Ter., aged 24 years, a citizen of the United States, and M Sylvia Thornton of Atoka, a citizen of the Choctaw Nation, in the Ind. Ter., aged 24 years, according to law, and do you officially sign and return this license to the parties therein named.

Witness my hand and official seal, this 21
day of Aug. A. D., 1899

R. W. Harrison
Clerk of the County Court.

By _____ Deputy.

CERTIFICATE OF MARRIAGE.

-----000000-----

Choctaw Nation,)
) ss. I, J M Harrison, a
Atoka County.)
 County Judge

Do hereby certify, that on the 21 day of Aug., A. D., 1899,
I did duly, and according to law, as commanded in the foregoing li-
cense, solemnize the Rite and publish the Banns of Matrimony between
the parties therein named.

Witness my hand this 21 day of Aug. , A. D., 189 9

J M Harrison

SEAL.

A County Judge.

COPY.

Choctaw D-400.

Muskogee, Indian Territory, March 1, 1902.

Edwin A. Thornton,

Mill Creek, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce and additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Commissioner in Charge.

Register.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 10, 1902.

.....
!! In the matter of the application !!
!! of Edwin A. Thornton for enrollment !!
!! as a citizen by intermarriage of the !! D-400.
!! Cheetaw Nation. !!
.....

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Cheetaw and Chickasaw Nations were also notified by registered mail that the application of Edwin A. Thornton for enrollment as a citizen of the Cheetaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 10th day of April, 1902, for final consideration.

Now on this 10th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Cheetaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

-----!-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 10, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 11th day of April, 1902.

Committee Wood
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Tishomingo, I.T. November 4, 1902.

Choctaw D-4 00.

In the matter of the application for enrollment as a citizen by
intermarriage of the Choctaw Nation of Edwin A. Thornton.

Sylvia Ridley being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name ? A Sylvia Ridley.
- Q What is your age ? A I am along in thirty.
- Q What is your post office address? A Tishomingo.
- Q Were you the wife of Edwin A. Thornton? A Yes, sir.
- Q Was he a white man? A Yes, sir.
- Q When did you marry him? A I married him, I don't quite remember now the year.
- Q Where were you married to him? A At Atoka.
- Q In the Choctaw Nation? A Yes, sir.
- Q How long had you been living in the Choctaw Nation at the time of your marriage to Mr. Thornton? A I guess it was not a year.
- Q You know how long he had been living in the Choctaw Nation before he married you ? A He was living in the Chickasaw Nation.
- Q How long did you live with Mr. Thornton after you married him? A Nearly a year.
- Q What was the cause of your separation? A He would not support me.
- Q Did you have a place of your own that you lived on with Thornton? A Yes, sir.
- Q A farm? A Yes, sir; a farm.
- Q Was that your own place? A No, sir.
- Q Was it a place that Mr. Thornton put in? A Yes; we bought it.
- Q After he married you? A Yes, sir.
- Q You lived together there after your marriage? A Yes, sir.
- Q Were you living there at the time of your separation? A Yes, we were living there at the place.
- Q Was he farming the place? A No, sir; he was not farming it; he was handling cattle there.
- Q Did he not make a living for you? A No, sir; he worked for somebody else on our place.
- Q Did he not provide enough for you to eat? A No, sir; the other folks provided it.
- Q Were the folks that he was working for living there on the place? A Yes, sir; they were living there with us.
- Q And the arrangement was that they furnish all the supplies and you people were to board them? A Yes; we was working for that.
- Q Did you not have everything you wanted to eat and wear while you were living there on the place? A No, sir.
- Q Did your husband get wages from the folks that he was working for? A Yes; he got some wages.
- Q What did he do with the money that he got? A I don't know; he drank some; I use to wash for them folks for what I had to wear.
- Q Then your husband never gave you any of the money that he earned or bought you anything with that money? A No, sir.
- Q Did you have any words with him just before you separated? A No, sir.

- Q When you separated did you leave the place or did he leave the place? A I left the place.
- Q What did you say to your husband at the time you left him? A I told him if he was not going to support me and if I had to work for what clothes I had to wear I would go somewhere else to live.
- Q Where did you go then? A To Mrs. Adington, the woman that raised me.
- Q She lives in the Chickasaw Nation? A Yes, sir.
- Q Did your husband make any effort after you separated to have you come back and live with him? A No, sir; I never seen him any more.
- Q He never wrote you or sent you any word by anybody else to have you come back? A No, sir.
- Q Did you get a divorce from him after you left him? A Yes, sir.
- Q Where did you get that divorce? A Here.
- Q In Tishomingo? A Yes, sir.
- Q In the Indian Court? A Yes, sir.
- Q And you married after that did you? A Yes, sir.
- Q Do you know whether or not Thornton has married since you left him? A No, sir; I do not.
- Q What is the name of your present husband? A Henry Ridley.
- Q Had you been married before you married Thornton? A Yes, sir.
- Q What was the name of your first husband? A Goforth.
- Q Was he a Choctaw by blood? A Yes, sir.
- Q Was he living at the time of your marriage to Thornton? A Yes, sir.
- Q Did you have a divorce from Goforth before you married Thornton? A He got it.
- Q Goforth got it? A Yes, sir.
- Q Did you see a copy of the decree of divorce? A Yes, sir.
- Q Did you go to Court at the time the divorce was granted? A No, sir.
- Q How did you get word that it was granted? A He showed it to me.
- Q Goforth showed it to you? A Yes, sir.
- Q That was before you got a divorce from Thornton? A Yes, sir.
- Q Did you marry Henry Ridley under a Chickasaw marriage license? A No, sir.
- Q Is he a white man? A I do not know; he says he is on the roll.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on November 4, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Subscribed and sworn to before me this 17 day of January 1903.

Charles H. Sawyer

Notary Public.

Wick

C O P Y.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Edwin A. Thornton as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-400.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw ~~Citizenship~~ Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

7-D-400

**DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, November 22, 1905.**

In the matter of the application for the enrollment of Edwin A. Thornton as a citizen by intermarriage of the Choctaw Nation.

Edwin A. Thornton, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A Edwin A. Thornton.
Q How old are you? A 30 years old.
Q What is your post-office address? A I have no permanent post-office address at the present time.
Q Where would you receive your mail if this office desired to reach you. A Well I would like for it to be addressed care of C. W. Faulkner, Caddo, Indian Territory.
Q Do you claim right to enrollment as a citizen by intermarriage of the Choctaw Nation. A Yes sir.
Q To whom? A Sylvia Gofourth.
Q Is she a Choctaw by blood? A Yes sir.
Q Is she living at the present time? A I understand that she is.
(Sylvia Thornton, through whom this applicant claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation is identified as No. 672, upon the final roll of citizens by blood of the Choctaw Nation, approved by the Secretary of the Interior December 12, 1902, Choctaw Roll Card 319.)
Q When were you married to Sylvia Thornton? A August 21, 1899
Q How were you married, under a United States license? A Under the Choctaw law.
Q Under the Choctaw laws? A Yes sir.
Q Who married you? A Judge J. M. Harrison.
Q What county? A Atoka County.

- Q How much did you pay for your license? A I dont remember exactly, I believe it was two and a half, I dont remember exactly in regard to that, two and a half or three dollars, I dont remember, it is too long ago, and I dont remember exactly the amount.
- Q How long prior to your marriage to Sylvia Thornton were you married under United States law? A Well I dont know, let me see, dont remember exactly how long it was, just a very short time.
- Q Of the same year? A It was a short time before that, not very long before that.
- Q How long had you been living with her when you remarried?
- A Never been remarried.
- Q The second time? A It was possibly a month or something like that.
- Q Had you ever been married prior to your marriage to Sylvia Thornton? A No sir.
- Q She was your first wife? A Yes sir.
- Q Was Sylvia Thornton ever married prior to her first marriage to you? A Yes sir.
- Q To whom? A She was-- I dont remember-- she was married to Gofourth. Previous to our marriage it was Miss Sylvia Gofourth, when I married her.
- Q Was her former husband living when you married her? A I believe he was, I am not positive.
- Q Do you know whether or not she had secured a divorce from him or he from her prior to your marriage? A Yes sir.
- Q Think he had? A Yes sir.
- Q Have you a copy of that divorce? A No sir.
- Q Was that the only marriage prior to her marriage to you? A Yes sir, I believe it was, course couldnt state positive, I am confident it was.
- Q Was that your understanding, that she had only one husband prior to her marriage to you? A Yes sir.
- Q Where were you living at the time you married Sylvia Thornton?
- A My post-office at that time was Alhambra, four miles north of Millcreek where I was living.
- Q Choctaw Nation? A Yes sir.
- Q That was your home at that time? A Yes sir.
- Q How long had you lived there prior to your marriage to this woman? A I dont remember exactly how long it was, I couldnt state positive in regard to the particular length of time.
- Q Can you give a general idea? A Yes sir.
- Q How long? A I suppose about four or five months.
- Q Where was he living at the time of your marriage to her? A She was living north of Millcreek.
- Q That was her home? A Yes sir.
- Q In the Choctaw Nation? A In the Choctaw Nation.
- Q Where were you living at the time of your marriage to Sylvia Thornton? A I was living four miles north of Millcreek, dont know whether it is in the Choctaw or Chickasaw Nation, I am not positive in regard to that, lived four miles north of Millcreek.

- Q You are positive that your wife was living in the Choctaw Nation? A Well no, well now if Millcreek is in the Chickasaw Nation that is where we were, I am not positive whether millcreek is in the Choctaw or Chickasaw Nation, there isnt a great deal of difference in the different lines.
- Q With whom was she living at that time? A Bill Parry, she kept house for him before we were married; she was living on her place.
- Q And that is in which nation? A That is in the Chickasaw Nation I guess.
- Q What was her post-office address? A Alhambra.
- Q At the time of your marriage to Sylvia Thornton you were both residents of the Chickasaw Nation? A I dont know, but I believe we were, I am not positive. I think if Alhambra is in the Chickasaw Nation that is where we were, I cant be too positive whether it is in the Choctaw or Chickasaw Nation.
- Q How long did you live together as husband and wife from the date of your marriage? A I would suppose about fourteen months, twelve or fourteen months, twelve or thirteen months.
- Q Then did you separate? A Yes sir.
- Q Did you secure a divorce from her? A No sir, I understand since that she has secured a divorce.
- Q Have you remarried since you left her? A No sir.
- Q Where did you live during these thirteen months that you lived with her? A We lived four miles north of Millcreek.
- Q Continuously? A Yes sir.
- Q After you separated from Sylvia Thornton where did you go? A I have been in West Texas, New Mexico, Arizona and old Mexico almost all the time, I havent been in any place a great length of time.
- Q Did you leave the Indian Territory upon separation from your wife, Sylvia Thornton? A Yes sir.
- Q Where did you go? A Went to West Texas.
- Q How long did you stay there? A I suppose about two months.
- Q What were you doing there? A Handling cattle.
- Q After you left Texas where did you go? A Went to New Mexico.
- Q How long did you stay in New Mexico? A I cant be positive of that, I suppose about five or six months first time.
- Q What were you doing in New Mexico? A I was handling cattle, and doing general work from one thing to another.
- Q Where did you go after leaving New Mexico? A I went to Arizona.
- Q How long did you stay there? A I suppose the first time I was in Arizona I stayed, I was in Arizona the first time about two years.
- Q Well after you left Arizona where did you go? I went to Old Mexico.
- Q While in Arizona were you still working with cattle? A Part of the time I was working with cattle, part of the time I was doing general work, anything I could get to do.
- Q How long did you stay in Old Mexico? A Well I cant give a positive statement in regard to that, let's see, I must have been in Old Mexico altogether, in different places, I guess I was there a year and a half, a year and a month or two, something over a year.
- Q When did you come back to the Indian Territory? A It has been

4.

about six days I guess, I dont know exactly.

Q Where did you come from? A Denison up here, came from Denison to Atoka.

Q During your absence from the Indian Territory did you have any permanent home? A No sir.

Q What did you do while you were in Old Mexico? A Part of the time I was handling cattle, at one time I worked in the smelter, for a good long time I worked in the smelter.

Q Where was your marriage ceremony performed when you married Sylvia Thornton? A At Atoka.

Q At Atoka? A Yes sir.

Q Who was Sylvia Ridley? A I dont know, I understand that she was afterwards married to Ridley, I dont know anything positive to that, I havent been in this country long enough to know anything real definite to know what she has done, or hasnt done.

Q On November 4, 1902, she testified before the Commission at Tishomingo, Indian Territory and stated that at the time of her marriage to you she was living in the Choctaw Nation? A We were living four miles north of Willcreek, that is where we were living.

Q Both of you? A Yes sir, and I was working on a ranch for Bill Perry at that time. She was keeping house for Bill Perry at the time of her marriage to me.

Q Did she consider the Chickasaw Nation her home? A She is a Choctaw by blood and she must consider the Choctaw Nation her home.

Q Where was her child, Andrew Gofourth, when you married her?

A Some party had the child I am not sure who, I dont know now, it has been a long time, I dont remember.

Q Have you ever owned any property in the Choctaw or Chickasaw Nations since you left here? A No sir.

Q Did you own any property at the time you left? A No sir.

Q Did you have any improvement in the Choctaw or Chickasaw Nations you were working when you left here? A She had her place and we were living on it.

Q And where was that located? A Four miles north of Willcreek.

Witness excused.

Cora Moore, upon oath, states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Cora Moore

Subscribed and sworn to before me this November 22, 1905.

A. J. Hampton
Notary Public.

THE CHOCTAW NATION.

the Circuit Court of the Third Judicial District, Regular Feb Term, 1898 a Petition of H. Goforth being presented by his Attorney in said Court, for a

BILL OF DIVORCE,

setting forth the facts, etc., and after the Court hearing the Testimony in regard to the Petition do order and decree that a Bill of Divorce be issued to the applicant, Wil H. Goforth.

THEREFORE, I do issue a Bill of Divorce to said applicant Wm H. Goforth releasing him from the bonds of Matrimony heretofore existing between Wm H. Goforth and Sophia Goforth.

Given under my hand and seal of office, this the 9 day of Feb 1898.

(signed) P. C. Harris
District Clerk

(S E A L)

ENDORSED ON BACK:

Department of the Interior,
Commission to the Five Civilized Tribes.

F I L E D

Dec 8, 1902

Tams Bixby
Acting Chairman.

I, Lola Mann, stenographer to the Commissioner to the Five Civilized Tribes, do hereby certify that the above is a true and correct copy of the original now on file in this office in Chickasaw enrollment case No. 1623.

Lola Mann

Subscribed and sworn to before me this the 2nd day of January, 1906.

Myron H. Hite

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Edwin A. Thornton as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on August 21, 1899, the applicant, Edwin A. Thornton, was married in accordance with the laws, customs and usages of the Choctaw Nation to Sylvia Thornton, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 672 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior December 12, 1902; that at the time of said marriage, Sylvia Thornton was a resident in good faith of the Choctaw Nation; that the applicant was a resident in good faith of the Chickasaw Nation; and that they lived together continuously as husband and wife in the Chickasaw Nation for a period of about thirteen months, when they separated and were subsequently divorced.

It further appears from the record herein that said applicant has resided continuously in the Chickasaw Nation from the date of his marriage to Sylvia Thornton until about September, 1900, since which date, up to and including September 25, 1902, he has resided in the state of Texas and in the territories of Arizona and New Mexico.

Upon the appearance of the applicant before the Commissioner to the Five Civilized Tribes on November 23, 1905, he testified that he procured a Choctaw license authorizing his marriage to Sylvia Thornton, upon the payment of \$2.50 or \$3.00.

An Act of the Choctaw Council, approved November 10, 1887, entitled "An Act amendatory of the act of Nov. 9, 1875, in reference to inter-marriage" (Durant's Digest of the Choctaw laws, Page 277), provides:

"Be it enacted by the general council of the Choctaw nation assembled: That the act of Nov. 9, 1875, in reference to the inter-marriage of white men with the Choctaw women is hereby so amended, that county clerks only shall issue license for such marriage, and instead of the white man paying twenty-five dollars they shall pay one hundred dollars and the county clerks receiving said one hundred dollars and issuing the license, shall be allowed to retain two and 50-100 dollars of the same as their fees, and the remainder they shall turn into the county treasuries of their respective counties. In all other respects the laws of Nov. 9, 1875, shall be complied with and this act shall take effect and be in force from and after its passage."

I am, therefore, of the opinion that following the ruling of the Department in the case of John Y. F. Blake (I.T.D. 7678-1906), and the opinion of the Assistant Attorney General for the Department of the Interior of May 21, 1906 (I.T.D. 46-1906), in the case of Hayne Helms, relative to the necessity for the compliance with the Choctaw tribal laws, the application for the enrollment of Edwin A. Thornton should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 425), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

JUL 13 1906

7-D-400

Muskogee, Indian Territory, July 13, 1906.

COPI

Edwin A. Thornton,

✓ C. W. Faulkner,

Caddo, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered July 13, 1906, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

James T. Jones

Commissioner.

Registered.

Incl. 7-D-400.

7-D-400

Muskogee, Indian Territory, July 13, 1906.

Apple & Franklin,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered July 13, 1906, denying the application for the enrollment of Edwin A. Thornton as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

Incl. 7-D-400

7-D-400

Muskogee, Indian Territory, July 13, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered July 13, 1906, denying the application for the enrollment of Edwin A. Thornton as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

W. H. HED

Commissioner.

Incl. 7-D-400

Muskogee, Indian Territory, July 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Edwin A. Thornton as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated July 13, 1906, denying said application.

Respectfully,

Commissioner.

2 Incl. 7-D-400

Through the
Commissioner of Indian Affairs.

KHM.

DEPARTMENT OF THE INTERIOR, LLB

WASHI GTON.

D.C. 2919-1907.
I.T.D. 444-1907.

January 12, 1907.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

July 13, 1906, you transmitted the record in the matter of the application for the enrollment of Edwin A. Thornton as a citizen by intermarriage of the Choctaw Nation, including your decision of the same date, adverse to the applicant.

Reporting January 8, 1907 (Land 60800-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind. Of.

928/59
Refer in reply to the following:

COPY

DEPARTMENT OF THE INTERIOR,
LAND: OFFICE OF INDIAN AFFAIRS,
60800-1906 WASHINGTON.

January 8, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters (I.T.D. 7678-1905) and (I.T.D. 46-1906), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated July 13, 1906, transmitting the record relative to the application of Edwin A. Thornton for enrollment as a citizen of the Choctaw Nation.

Edwin A. Thornton applied to the Commission to the Five Civilized Tribes for enrollment as a citizen by intermarriage.

On July 13, 1906, the Commissioner held that the applicant was not entitled to such enrollment. The evidence shows that Edwin A. Thornton was married on August 21, 1899, to Sylvia Thornton, identified at No. 672 on the list of citizens by blood of the Choctaw Nation approved by the Department on December 12, 1902.

It appears from the record that though the above named parties were married in the Choctaw Nation, they did not comply with the Act of the Choctaw Council of November 10, 1887, providing for the payment of a fee of \$100.00 at the time of the

issuance of the marriage license.

It further appears that the applicant was a resident of the Chickasaw Nation up until September 1900 and after that date made his home in the State of Texas and also in Arizona and New Mexico.

In view of the decisions of the Department in the cases of John Y.F. Blake (I.T.D 7678-1905) and Hayne Helms (I.T.D. 46-1906) and also in view of Section 34 of the Act of July 1, 1902, (32 Stat. L., 641), the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

C.F. Larrabee,
Acting Commissioner.

HRD

C

Muskogee, Indian Territory. January 23, 1907.

Edwin A. Thornton,

%C. W. Paulkner,

Caddo, Indian Territory.

Dear Sir:

You are hereby notified that on January 12, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-400

Muskogee, Indian Territory. January 23, 1907.

S. G. Apple

Attorneys at Law,

Adonise

Muskogee, Indian Territory.

Dear Sir

You are hereby notified that on January 12, 1907,
the Secretary of the Interior affirmed the decision of the
Commissioner to the Five Civilized Tribes denying the applica-
tion for enrollment of Edwin A. Thornton as a citizen by inter-
marriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-400

Muskogee, Indian Territory. January 23, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on January 12, 1907,
the Secretary of the Interior affirmed the decision of the
Commissioner to the Five Civilized Tribes denying the applica-
tion for enrollment of Edwin A. Thornton as a citizen by inter-
marriage of the Choctaw Nation.

Respectfully,

Commissioner.

Musagee, Indian Territory,

August 18th, 1900.

Edwin A. Thornton,

Mill Creek, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-400.

7-D-400
7-319

Muskogee, Indian Territory, October 2, 1908.

H.M. Ridley,

Wapamucka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23d ultimo, enclosing the application for enrollment as a citizen of the Choctaw Nation of William Munroe Ridley, infant son of Henry M. and Sylvia Ridley, born August 12, 1902.

Receipt is also acknowledged of your letter of the 29th ultimo. In each letter you advise the Commission that the mother of the child named in the application is the daughter of William and Rebecca Morrison, deceased; that she married William Goforth but does not know whether she was listed for enrollment under the name of Goforth or under her maiden name; and that she has one child listed for enrollment by the name of Andrew Goforth.

You state further that she afterwards became the wife of Edd A. Thornton, and had a child by him which is listed for enrollment under the name of Luther Thornton; and that she is now the lawful wife of Henry M. Ridley.

H M R 2

The information contained in your letter has enabled the Commission to identify the mother of the child as being listed for enrollment under the name of Sophia Goforth.

The application, however, is returned to you herewith, and you are informed that it appears from our records that on November 25, 1901, there was received at this office the application for enrollment as a citizen of the Choctaw Nation of Luther Thornton, infant son of Ed A. and Sylvia Thornton, born July 25, 1900; and the same being in proper form was duly filed with our records, and the child listed for enrollment as a citizen of the Choctaw Nation.

It is stated in the affidavits of the mother and the attending midwife that Sylvia Thornton, the mother of Luther Thornton, was the lawful wife of Ed A. Thornton. You are therefore requested to state whether Ed A. Thornton is living or dead. If dead, state the date of his death. If living, state whether he and Sylvia Thornton have been divorced; if so, legal evidence of the divorce should be furnished the Commission.

You are also requested to furnish the Commission with legal evidence of your marriage to Sylvia Thornton as authority for the change of her name upon our records from her former name to her present married name.

W M R 3

Upon receipt of the information requested herein,
together with legal evidence of marriage, and return of the
application for the enrollment of this child, the matter will
receive further consideration.

Respectfully,

Acting Chairman.

Enc B I 27.

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7-D-400
7-319

Muskogee, Indian Territory, November 4, 1903.

H.M. Ridley,

Wapamooka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th ultimo, enclosing the application for enrollment as a citizen of the Choctaw Nation of William Munroe Ridley, infant son of Henry M. and Sylvia Ridley, born August 13, 1902; together with the marriage license and certificate between H.M. Ridley and Sylvia Thornton; and the same are returned to you herewith.

It is stated in your letter that your wife was formerly the wife of Ed A. Thornton, that they were divorced at the fall term of the Indian Court held at Tishomingo, Indian Territory, in 1901.

You are informed that upon receipt of legal evidence of the divorce between Sylvia Thornton and her former husband, Edwin A. Thornton, and return of the application for the enrollment of your child, together with the evidence of marriage, the matter will receive further consideration.

Respectfully,

Enc B I 170.

Acting Chairman.

COMMISSIONERS
HENRY L. DAVES,
TAMM DIXIE,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE.

ALLISON L. AVLEWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

W. C. 13
REFER IN REPLY TO THE FOLLOWING

Choctaw D-400

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1903.

Edwin A. Thornton,
Mill Creek, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903.

The Act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,


Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D 400

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1904.

Edwin A. Thornton,
Mill Creek, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-2-400.

Muskogee, Indian Territory, September 1, 1904.

Edwin A. Theruton,

Mill Creek, Indian Territory.

Dear Sir:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 23, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the land office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the land office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Chairman.

7-D-400

Muskogee, Indian Territory, October 8, 1904.

H. M. Ridley,

Tishomingo, Indian Territory.

Dear Sir:-

If you are able to do so you are kindly requested to advise the Commission as to the present post-office address of Edwin A. Thornton, returning your reply at your earliest convenience in the enclosed envelope which requires no postage.

Respectfully,

Env.

Chairman.

OK
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8
1

7-D-400.

Muskogee, Indian Territory, November 3, 1905.

H. M. Ridley,

Tishomingo, Indian Territory.

Dear Sir:

On September 1, 1899, application was made for the enrollment of Edwin A. Thornton as a citizen by intermarriage of the Choctaw Nation.

Inasmuch as your wife, Sylvia Ridley, was formerly the wife of said applicant you doubtless know of his whereabouts at the present time, and if so, kindly notify this office of the same at the earliest possible date.

An envelope for reply is enclosed herewith.

Respectfully,

Commissioner.

Enc. Env.

7-D-400

Muskogee, Indian Territory, January 2, 1906.

Edwin A. Thornton,
Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 29, 1905, in which you state that you find William Goforth, in order to have his present wife enrolled as an intermarried citizen, has filed with this office a certified copy of the decree of his divorce from Sylvia Goforth which was granted prior to your marriage to her.

In reply to your letter you are advised that the record of the divorce referred to is on file with this office and a certified copy has been made to file with the record in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-400

Muskogee, Indian Territory, January 6, 1906 .

Edwin A. Thornton,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 2, 1906, asking the status of your application for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that your application for enrollment as an intermarried citizen of the Choctaw Nation has not yet been passed upon, but the same will probably be taken up for consideration at an early date and as soon as a decision is reached you will be notified of the action taken therein.

Respectfully,

Commissioner.

6
7-D-400

Muskogee, Indian Territory, March 14, 1906.

Apple & Franklin,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 9, 1906, asking to be entered as attorneys of record in the matter of the application of Edwin A. Thornton as an intermarried citizen of the Choctaw Nation and that you be advised of such action as is taken in this case.

In reply to your letter you are advised that your request has been made a matter of record.

You are further advised that the application for the enrollment of Edwin A. Thornton as an intermarried citizen of the Choctaw Nation is receiving consideration and when a decision is reached you will be notified of the action taken therein.

Respectfully,

Acting Commissioner.

MEMORANDA.

(Date)

1899.

Name

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County

Year

Page

No.

County

Year

Page

No.

County

Year

Page

No.

County

Year

Page

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County

Year

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Year

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County

Year

Page

No.

County

Year

Page

No.

County

Year

Page

No.

Handwritten notes and signatures:
~~Not a~~ Goforth
 400

Choc 0401 Georgia Fox

#1-2 Dismissed Dec 3/1904

0401

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
as citizens by blood of the Choctaw Nation of--

GEORGIA FOX, ET AL.

7-D-401.

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the enrollment of Georgia Pickens as a Choctaw; being sworn and examined by com'r McKennon she testifies:

- Q What is your name? A Georgia Pickens.
- Q How old are you? A Twenty-two.
- Q Where have you been living? A In Pickens county.
- Q How long? A About fourteen years.
- Q Where did you come from to Pickens county? A Hardin County Tennessee.
- Q Did you come here with your father? A Yes sir.
- Q His name was John Pickens? A Yes sir.
- Q Was that the old man that died? A Yes sir.
- Q You were born and raised in Tennessee? A I was born and raised in the Territory; I have been here nearly fourteen years.
- Q Choctaw Att'y Shackelford: Wasn't your father on the Pension Roll and signed his name John W. Pickens? A Yes sir.
-

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify under my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. McKeen

Certificate of Record of Marriage.

UNITED STATES OF AMERICA,)
THE INDIAN TERRITORY.) set.
SOUTHERN DISTRICT.

I, C. M. CAMPBELL, Clerk of the United States Court in the Territory and District aforesaid, DO HEREBY CERTIFY, that the License for, and Certificate of Marriage of

Mr. *W. L. Fox* and

M. *Georgia Pickens*

were filed in my office in said Territory and

District the *22* day of *Nov*

A. D. 1 *889*, and duly recorded in Book

D of Marriage Record, page *376*.

WITNESS my hand and seal of said Court,

at Ardmore, this *22* day of *Nov*

A. D. 1 *889*.

C. M. Campbell CLERK.

FILED

NOV 22 1899 1 PM

C. M. CAMPBELL, Clerk.

*From return,
Ardmore, Tt.*

1040

CHOCIAW

ACTING CHAIRMAN.

AUG 8 1902

FILED
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT

SS: To Any Person Authorized by Law to Solemnize Marriage-Greeting:

You are hereby Commanded, To solemnize the Rite and
publish the Banns of Matrimony between
Mr. W. L. Fox of Hernepin
in the Indian Territory, aged 28 years, and
Miss Georgie Pickens of Homer
in the Indian Territory, aged 22 years,
according to law; and do you officially sign and return this License to
the parties therein named.

Witness my hand and official seal, this 18 day
of Nov. A. D. 1899 C. M. Campbell
Clerk of the United States Court

Certificate of Marriage.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
SOUTHERN DISTRICT.

I.

SS.

do hereby certify, that on the 20th day of November A. D. 1899, I
did duly and according to law, as commanded in the foregoing License, solemnize the Rite
and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand, this 20th day of November, A. D. 1899

My credentials are recorded in the office of the Clerk of the United States Court,
Indian Territory, Southern District, at Ardmore, Book A Page 116.

NOTE: This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in
the Indian Territory, at Ardmore, within sixty days from the date thereof, or the party to whom the License was
issued will be liable in the amount of One Hundred Dollars, \$100.

NOTE: No person is authorized to perform the Marriage Ceremony in the Southern District, unless the proper creden-
tials have first been recorded in the Clerk's office.

Enc. B J 19
CHOCTAW.

INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

Maudie Paul Fox

as a citizen of the

Choctaw Nation.

Approved *AUG 21 1902* 190

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 21 1902

[Signature]
ACTING CHAIRMAN.

CHOCTAW.

B1421

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
 of Maudie Paul Fox, born on the 24 day of July, 1902
(Here insert name of child.)
 Name of Father: Sam G. Fox, a citizen of the Cherokee Nation.
 Name of Mother: Georgia Fox, a citizen of the Cherokee Nation.
 Post-Office: Cherokee, Cherokee Co., Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District.

I, Georgia Fox, on oath state that I am 25
 years of age and a citizen, by blood, of the Cherokee Nation;
 that I am the lawful wife of Sam G. Fox, who is a citizen, by
 of the Cherokee Nation, that a female child was
(Male or female.)
 born to me on the 24 day of July, 1902; that said child has been
 named Maudie Paul Fox, and is now living.

WITNESSES TO MARK:

(Must be Two)
 Witnesses.

Subscribed and sworn to before me this 5 day of Aug, 1902.

J. T. Spence
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District.

I, J. T. Spence, M.D., on oath state that I
 attended on Mrs. Georgia Fox, wife of Sam G. Fox,
 on the 24 day of July, 1902; that there was born to her on said
 date a female child; that said child is now living and is said to have been
(Male or female.)
 named Maudie Paul Fox.

WITNESSES TO MARK

(Must be Two)
 Witnesses.

Subscribed and sworn to before me this 5th day of August, 1902.

J. T. Spence, M.D.
 Notary Public.

N.F.

7-D-401.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Georgia Fox and her minor child, Maudie Pearl Fox, as citizens by blood of the Choctaw Nation.

-----oOo-----

It appears from the records of the Commission that on September 7, 1896 in the case entitled "John Pickens, et al., vs. Choctaw Nation." (1896 Choctaw Citizenship Docket, case number 579), original application was made to the Commission under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321) for the admission to citizenship in the Choctaw Nation of the applicant, Georgia Fox, (nee Pickens) and on December 2, 1896 the said Georgia Fox was by this Commission denied admission to citizenship in the Choctaw Nation. From this decision of the Commission an appeal was taken to the United States Court for the Central District of Indian Territory which court in the case entitled "John T. Pickens, et al., vs. Choctaw Nation." (Citizenship Case, number 87), reversed the decision of the Commission denying said Georgia Fox admission to citizenship in the Choctaw Nation and admitted said applicant as a citizen by blood of said nation.

The applicant, Maudie Pearl Fox is a daughter of the applicant Georgia Fox, born July 24, 1902 and is identified by proper proof of birth filed with and made a part of the record in this case.

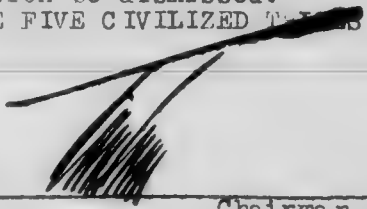
It further appears from the records in the possession of the Commission that on December 17, 1902 the Choctaw and Chickasaw Citizenship Court, created by the provisions of the act of Congress approved July 1, 1902 (32 Stat., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Central District of Indian Territory. Said cause has not been appealed or certified to the said Choctaw and Chickasaw Citizenship Court for a trial

2.

de novo within the time prescribed by the provisions of said act of Congress approved July 1, 1902.

In accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I.T.D. 3824-1904) and the opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904 (I.T.D. 5246-1904) the Commission to the Five Civilized Tribes is without authority to take any action of any character looking to the enrollment of Georgia Fox and Maudie pearl Fox as citizens by blood of the Choctaw Nation and it is, therefore, hereby ordered that the application for the enrollment of Georgia Fox and Maudie pearl Fox as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Muskogee, Indian Territory,

DEC 3 1904

COPY.

7-D-401

Muskogee, Indian Territory, December 3, 1904.

Georgia Fox,

Homer, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated December 3, 1904, admitting the application for the enrollment of yourself, and minor child, Maudie Pearl Fox as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED)

James Bixby

Chairman.

Registered.

Incl. 7-D-401.

COPY:

7-D-401

Muskogee, Indian Territory, December 3, 1904.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of
this Commission, dated December 3, 1904, dismissing the application
for the enrollment of ~~W. H. Fox~~ Fox and Maudie Pearl Fox as citizens
by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

James Bixby

Chairman.

Incl. 7-D-401.

7-D-401.

Muskogee, Indian Territory. August 8, 1902.

William L. Fox,

Alma, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Maudie Pearl Fox, infant daughter of William L. and Georgia Fox, born July 24, 1902; and the same is returned to you herewith for the reason that the notary public before whom the affidavit of the mother, as well as the notary public before whom the affidavit of the attending physician were acknowledged neglected to affix their official seals thereto, as is required by the rules of this Commission. Upon return of the application properly corrected, the matter will receive further consideration.

Receipt is also acknowledged of the marriage license and certificate between W.L. Fox and Georgie Pickens, and the same have been duly filed with our records in the matter of the application for enrollment as a citizen of the Choctaw Nation of Georgia Pickens, as authority for the change of her name thereon from her maiden

W L F 2

name to her present married name.

Yours truly,

Acting Chairman.

Enc. B.I. 19.

7-D-401.

Huskogee, Indian Territory, August 21, 1902.

William L. Fox,

Alma, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Georgia Fox and I.T. Spence relative to the birth of Maudie Pearl Fox, infant daughter of William L. and Georgia Fox, July 24, 1902; and the same have been accepted and duly filed with the records of the Commission as evidence of the birth of this child.

Yours truly,

Acting Chairman.

MEMORANDA.

(Date) Sept 1 1899.

Name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name, Georgia Pickens

Choctaw? yes County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

Admitted to case #87
Her testimony

Jan 30 - 97
10. 20. 1898
9401

D. 402

William C. Moore.

Record transferred to
Choctaw card # 4373

D. 103

Hyurgue C Beck et al.

5

Record transferred to
Choctaw card #5659

CHOCTAW

A 407

Willie Marston et al

Willie & Johnnie Marston
transferred to Choctaw
#4383 Jan 23-1905

choc D 405 Annie L. McCarty

D 405

Hume L. McCarty

DISMISSED

MAY 27 1904

*Sep 7-3302 for record
See Loula Street Pt. C88.*

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 10, 1902.

))) :::::::::::::::::::::::::::::::::::::::
:: In the matter of the application ::
:: of Annie L. McCarty for enrollment ::
:: as a citizen by intermarriage of ::
:: the Choctaw Nation. ::
:: :::::::::::::::::::::::::::::::::::::::

D-405.

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March 1902 the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Annie L. McCarty for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 10th day of April, 1902, for final consideration.

Now on this 10th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant appears by her attorney, J. G. Balle, and submits her cause upon the evidence and record as already on file.

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 10th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 10 day of April, 1902.

Harriet Chellwood

Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRICKNORRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

Choctaw D-405.

Muskogee, Indian Territory, March 1, 1902.

Annie L. McCarty,

Coalgate, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Register.

Commissioner in Charge.

Had

7-D-405.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

COPY.

In the matter of the application of Annie L. McCarty for enrollment as a citizen by intermarriage of the Choctaw Nation.

-----0-----

The applicant, Annie L. McCarty, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one Theron B. McCarty. The right of the applicant's husband, Theron B. McCarty, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of April 30, 1904, in case No. 28, upon the South McAlester docket of said court, it is hereby ordered that the application of Annie L. McCarty for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tams Bixby.

Chairman.

Muskogee, Indian Territory,

MAY 27 1904

7- D- 405.

COPY.

Muskogee, Indian Territory, June 8, 1904.

Annie L. McCarty,

Coalgate, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

Registered.

Incl. 7- D- 405.

COPY.

7- D- 405.

Muskogee, Indian Territory, June 8, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as a citizen by inter-marriage of the Choctaw Nation of Annie L. McCarty.

Respectfully,

SIGNED

Tama Bixby.

Chairman.

Registered.

Incl. 7- D- 405.

See Choctaw N- 650 for registry receipt for this letter.

C---88
C---99
C---100
C---102
C---123
7--3299
7--3301
7--3302
7--3303
7--3323
7--3342
7-D-408
23-1270
23-1000
23-1009.
7--3552

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Charlotte E. Barr, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on August 8, 1899, at Calvin, Indian Territory, by Charlotte E. Barr for the enrollment of herself as a citizen by blood of the Choctaw Nation; that on the same date application was made by Everett E. McCarty for the enrollment of himself and his children Jennie V. McCarty and Carroll C. McCarty, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Evelyn E. McCarty, as a citizen by intermarriage of the Choctaw Nation; that on August 17, 1899, application was made to the Commission to the Five Civilized Tribes at Durant, Indian Territory, by Charles H. McCarty, for the enrollment of himself and his children, Mildred McCarty and Lencie McCarty, as citizens by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Calvin, Indian Territory, on August 8, 1899, by John McCarty for the enrollment of himself, Floyd Lewis and Mittie Lewis as citizens by blood of the Choctaw Nation. That on the same date application was made to the Commission to the Five Civilized Tribes by Theron E. McCarty for the enrollment of himself and his minor child, Everett E. McCarty, as citizens by blood of the Choctaw Nation; that on February 16, 1901, written application was filed for the enrollment of Stewart Milton McCarty, minor child of Theron E. McCarty, and Annie L. McCarty, as a citizen by blood of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Atoka, Indian Territory, September 1, 1899, by Theron E. McCarty for the enrollment of his wife, Annie L. McCarty, as a citizen by intermarriage of the Choctaw Nation; that on August 17, 1899, application was made to the Commission to the Five Civilized Tribes at Durant, Indian Territory, by Richard B. McFee, for the enrollment of himself as an intermarried citizen of the Choctaw Nation, and for the enrollment of his wife, Maggie McFee, as a citizen by blood of the Choctaw Nation; that on August 8, 1899, application was made to the Commission to the Five Civilized Tribes, at Calvin, Indian Territory, by Lonice McCarty for the enrollment of himself and his minor son, Dewey McCarty, as citizens by blood of the Choctaw Nation.

It further appears from the records in the possession of the Commission to the Five Civilized Tribes that the applicants, Charlotte E. Barr (as Charlotte E. McCarty), Everett E. McCarty, Evelyn E. McCarty (as Evaline E. McCarty), Jennie V. McCarty, (as Jennie S. McCarty), Carroll C. McCarty (as Carl S. McCarty), John McCarty (as John E. McCarty), Floyd Lewis (as Fland Lewis), Mittie Lewis, Theron E. McCarty and Lenice McCarty, were applicants to the Commission to the Five Civilized Tribes for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), in 1896 Choctaw Citizenship Case No. 1275, and that on December 8, 1896, said application was denied by the Commission to the Five Civilized Tribes.

Application was also made to the Commission to the Five Civilized Tribes on September 9, 1896, for the admission to citizenship in the Choctaw Nation of the applicants, Charles M. McCarty (as Chas. W. McCarty), Mildred McCarty, Leucile McCarty (as Lucile McCarty), and Maggie McCarty under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), in 1896 Choctaw Citizenship Case No. 1309. December 8, 1896, the Commission rejected said application.

From these decisions of the Commission appeal was taken to the United States Court for the Central District of the Indian Territory, said cases being consolidated upon appeal, and on August 26, 1897, said court rendered a decision reversing the decision of the Commission as to the applicants herein and admitting said applicants as citizens of the Choctaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al".

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on April 30, 1904, in the case entitled John McCarty et al., vs. Choctaw and Chickasaw Nations (Choctaw-Chickasaw Citizenship Court, Case No. 29, South McAlester Docket), said Citizenship Court rendered a judgment therein wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, John McCarty, Evaline E. McCarty or Evelyn E. McCarty Theron E. McCarty, Lenice McCarty or Louis McCarty, Jennie V. McCarty Carl C. McCarty or Carroll C. McCarty, Charlotte E. McCarty, Floyd Lewis, Mittie Lewis or Millie Lewis. C. M. McCarty. Maggie McCarty, Mildred McCarty, Lucile McCarty, as Leucile McCarty, be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such and not entitled to any rights whatever flowing therefrom". The name of Everett E. McCarty was not included in said judgment.

On May 27, 1904, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Everett E. McCarty, Stewart Milton McCarty and Dewey McCarty, for the reason that the persons through whom said applicants claim the right to enrollment as citizens of the Choctaw Nation had been denied citizenship by the Choctaw and Chickasaw Citizenship Court. On the same date the Commission issued orders dismissing the applications for the enrollment of Annie L. McCarty and Richard B. McBea as intermarried citizens of the Choctaw Nation for the reason that the rights of Theron E. McCarty and Maggie McBea, through whom they respectively claimed, had been adversely determined by the Choctaw-Chickasaw Citizenship Court.

On April 19, 1906, the application of Everett E. McCarty for enrollment as a citizen by blood of the Choctaw Nation was dismissed by the Commissioner to the Five Civilized Tribes in accordance with the opinion of the Act Attorney General, dated May 9, 1904 (I.T.D. 3824-1904), and the opinion of the Assistant Attorney General for the Department of the Interior, dated July 30, 1904 (I.T.D. 5246-1904).

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there were filed on February 20, 1906, March 13, 1906 and May 24, 1906, by Cruce, Cruce & Bleakmore, attorneys for the petitioners, petitions praying for the enrollment of J. E. McCarty, Lottie Barr, Lonice McCarty, Dewey McCarty, T. B. McCarty, Annie L. McCarty, Everett B. McCarty, Stuart M. McCarty, Julia Pauline McCarty, Jennie S. Cox, C. M. McCarty, Maggie McBe, Mildred McCarty, Lucile B. McCarty and R. B. McBe as citizens of the Choctaw Nation. Said petitioners, with the exception of Julia Pauline McCarty, are identical with the persons for whose enrollment application was made to the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

Applications were made for the enrollment of the following named persons as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137). July 2, 1906, application for the enrollment of Oita McCarty, born April 2, 1904, minor child of John E. McCarty and Mary L. McCarty; July 25, 1906, application for the enrollment of Maybelle McCarty, born May 15, 1903, minor child of Charles M. McCarty, and Beulah A. McCarty; July 26, 1906, application for the enrollment of George Wendell Hagood, born November 25, 1905, minor child of A. S. Hagood and Mildred Hagood, formerly Mildred McCarty.

It is alleged in the petitions filed February 20, 1906, March 13, 1906 and May 24, 1906, that the petitioner, Lottie Barr, was enrolled in 1896 as a citizen of the Choctaw Nation by the Board of Census Commissioner; that the petitioners, J. E. McCarty, Lonice McCarty, T. B. McCarty and Jennie S. Cox are the children of Everett E. McCarty and Evaline C. McCarty; that said Everett E. McCarty and Evaline C. McCarty were in 1895, by act and authority of the Choctaw Council recognized and enrolled as Choctaw citizens; that the petitioner, C. M. McCarty, is the son of Dr. A. McCarty, and that Dr. A. McCarty and his children were in 1895, by act and authority of the Choctaw Nation recognized and enrolled as citizens and members of said tribe.

The record herein further shows that the applicants have been given sufficient opportunity to prove the allegations in the petition and have submitted no proof in support of the same.

The records in the possession of the Commissioner to the Five Civilized Tribes fail to show that any of the applicants herein were ever recognized and enrolled as citizens of the Choctaw Nation by the tribal authorities thereof. Their names do not appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes.

The record herein shows that the applicant, Carrell C. McCarty also claims a right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage on July 25, 1902, with Etta R. Davis, whose name appears upon the final roll of citizens by blood of the Choctaw Nation opposite No. 1205. It appears, however, that said applicant was never married to his Choctaw wife in accordance with the laws of the Choctaw Nation.

I am of the opinion that inasmuch as the record herein fails to show that any of the applicants who were before the Choctaw-Chickasaw Citizenship Court ever occupied such a status as would entitle them to enrollment as citizens by blood and intermarriage of the Choctaw Nation, the action of the Choctaw-Chickasaw Citizenship Court of April 30, 1904, is final and that the applications for the enrollment of Charlotte E. Barr, Jennie F. McCarty, Theron B. McCarty, Lenice McCarty, Charles M. McCarty, Mildred McCarty, Loucile McCarty, John McCarty, Floyd Lewis, Mittie Lewis and Maggie McRee, as citizens by blood of the Choctaw Nation and the petitions herein insofar as the same apply to said applicants, should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 stats., 641), and it is so ordered.

I am further of the opinion that the application for the enrollment of Evelyn C. McCarty as a citizen by intermarriage of the Choctaw Nation and the petitions herein, insofar as the same apply to said applicant, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 stats., 541), and it is so ordered.

I am further of the opinion that the applicant, Carroll C. McCarty, is not entitled to be enrolled as a citizen by blood or as a citizen by intermarriage of the Choctaw Nation; that his application for enrollment and the petition herein, insofar as it applies to said applicant, should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 stats., 641), and it is so ordered.

I am further of the opinion that the petition filed March 13, 1906, insofar as the same applies to the petitioner, Julia Pauline McCarty, should be considered as an application for the enrollment of said petitioner as a citizen by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 stats., 137), and that the same should be denied, and it is so ordered.

I am further of the opinion that the petitions herein, insofar as same apply to the petitioners, Everett E. McCarty, Richard B. McRee, Annie L. McCarty, Dewey McCarty, Everett B. McCarty and Stewart Milton McCarty, whose applications for enrollment have heretofore been dismissed by this office, should be dismissed, and it is so ordered.

I am further of the opinion that the application filed July 2, 1906, for the enrollment of Oita McCarty, and the applications filed July 25, 1906, for the enrollment of Maybelle McCarty and George Wendell Wagood, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 stats., 137), and it is so ordered.

(Signed) Tams Bixby,
Commissioner.

Muskogee, Indian Territory,

Jan 31 1907.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muscogee, Indian Territory,

August 18th, 1900.

Annie L. McCarty,

Gealgate, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Tamm Bixby
Acting Chairman.
B.

7-D-405.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 18, 1900.

Annie L. McCarty,
Coalgate, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised is to your right to enrollment under your second marriage.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Tamm Bixby
Acting Chairman.

MEMORANDA.

(Date) Sept 1 1899.

Name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

we Married under what law?

License filed this day,

49 ✓ Wife's name, Annie L. McCarty

Choctaw? yes County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship yes

Intermarried citizen? yes

Married under what law?

License filed this day yes

Names of children:

.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.

*As to marriage see testimony of
L. B. McCarty*

2403

CHOCTAW D 408

Virginia P. Mitchell

Record transferred to
CHOCTAW #3491

D. 407.

Thomas W. Hopkins.

Record transferred to
Octavo card #4385

0408

W
J. W. Hendrix

transferred to Choctaw

5891 JAN 2 1905

D-408

0409

SHOOTAW:

0409.

Benjamin Olson

Reed transferred to Chute

3943

Choc 0410 Lucy Brown

Dismissed Feb 1, 1907

0410

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a
citizen by intermarriage of the Choctaw Nation of

LUCY BROWN.....7-D-410.

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of Lucy Brown for enrollment as a Choctaw; being sworn and examined by Com'r McKennon she testifies:

Q What is your name? A Lucy Brown.

Q How old are you? A Sixty.

Q You have never been on the Choctaw rolls? A No sir I never have.

Q Have your father and mother ever been on the Choctaw rolls here? A No sir, just my man.

Q Where have you been living? A I have been living in the Choctaw Nation two years, I have been living in the Chickasaw twenty-five years.

Q You never have been admitted? A No sir.

Com'r McKennon: We have no authority to enroll you; your enrollment is refused.

Q Are you intermarried? A Yes sir.

Q Your marriage a Choctaw or a Chickasaw? A I married a Choctaw and he died; his name was Sidney Brown. We got our license at Tishomingo and was married by the Indians' law.

Q You claim to have been married to Sidney Brown who was a Choctaw? A Yes sir.

Q He lived at the time in the Chickasaw Nation? A Yes sir.

Q When you were married did he get a license according to the Chickasaw law to marry you? A Yes sir.

Q Who issued that license? A Old Judge Dickerson, he lived there in Tishomingo county I reckon; that is where they went for the license.

Q When was it you married him? A On the 27th of March, 1887.

Q Where is Mattie Maines? A That is my daughter, she lived here in the Choctaw Nation.

Q Did you live with him until he died? A Yes sir.

Lucy Brown #2)

~~Examination of the witness~~

Q When did he die? A He died in July, but I don't remember what day, in Oklahoma City.

Q What year? A He has been dead going on ten years.

Q That would be about 1889? A Yes sir

Q Have you married again? A No sir.

Patsy Poff being sworn and examined by Com'r McKennon states:

Q What is your name? A Patsy Poff.

Q How old are you? A I don't know, I expect I am over sixty.

Q Did you know anything about their marriage? A No I don't know about their marriage, but I heard afterwards that Sidney had married an old lady.

Q Do you know who she was? A No sir.

Q Do you know this to be the woman he married?

A Yes sir.

Q They lived together as husband and wife? A Yes sir.

Q Did you know them then? A Yes sir.

Q Were you at their house? A Yes sir.

Examined by Choc. Com'r Lewis: Q Who was Sidney Brown's mother?

A Zack Gardner's mother's sister Harriet.

Q Who were they? A I couldn't tell you.

Q Zack's mother wasn't a Gardner was she? A I don't know, I know the four sisters, but I don't know- they always called them Gardners.

(Com'r Lewis: They are Choctaws then.)

Lem Ivey being sworn and examined testifies:

Q What is your name? A Lem Ivey

Q How old are you? A Twenty-nine.

Lucy Brown, Lem Ivey witness, #3)

Q Are you the son of Lucy Brown? A Yes sir.

Q Were you present when she married Sid Brown? A Yes sir.

Q About how long ago? A It has been something like twelve years ago.

Q Do you know whether they had a license to marry or not?

A I suppose so.

Q Do you know anything about that? A I don't believe I saw the license.

Q What do you know about it? A I was present when they married, and was acquainted with the minister.

Q You don't know anything about the license then do you?

A Nothing in particular more than I know of them ~~of~~ going after the license, and understood they got them.

Q Who went after them? A My brother and Sid Brown went together.

Q Do you know where they went to? A I understood they went to Tishomingo, but I understood they got the license at Oakland.

Q By Choc. Com'r Lewis: Is Judge Dickerson alive?

A I couldn't tell you.

(Lucy Brown states that the Judge is dead.)

Department of the Interior

Commission to the Five Civilized Tribes.

I hereby certify that I am an official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes

M. D. Lee

COMMISSIONERS

HENRY L. DAWES.
TAMM DIXON.
THOMAS S. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Choctaw D-410.

Muskogee, Indian Territory, March 1, 1902.

Lucy Brown,

Coalgate, Indian Territory.

You are hereby notified that the application of yourself

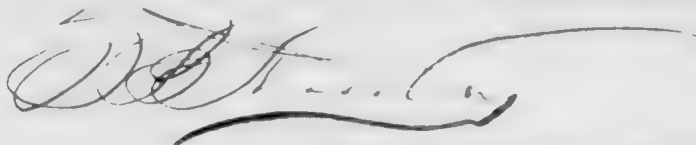
for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.



Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 10, 1902.

.....
:: In the matter of the application ::
:: of Lucy Brown for enrollment as a ::
:: Citizen by intermarriage of the :: D-410.
:: Choctaw Nation. ::
.....

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail that the application of Lucy Brown for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory on the 10th day of April, 1902, for final consideration.

Now on this 10th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant being called, also failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 10, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 11th day of April, 1902.

Hal Belford
Chas. M. Chellwood

Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

10 Jan 1903
PREFER IN REPLY TO THE FOLLOWING

Choctaw-D-410

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1903.

Lucy Brown,

Coalgate, Indian Territory.

Dear Madam:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903.

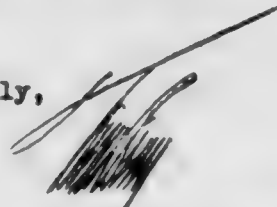
The Act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,



Chairman.

Choctaw D-410.

In the matter of the enrollment
of Lucy Brown as an intermarried
citizen of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

DEPT. OF THE INTERIOR,
BUREAU OF THE FOREST SERVICE,
WASHINGTON, D. C.
FILED
FEB 6 1921

CHAPMAN


BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Lucy Brown as a citizen by intermarriage of the Choctaw Nation,
Choctaw Field No. D-410.

- - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Early, et al., vs. Choctaw and Chickasaw Nations, No. 64 on the South McAlester Docket, in which the said court will decide the question of the citizenship rights, by intermarriage, if any, of those white persons who intermarried with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.


Attorneys for the Choctaw & Chickasaw Nations

January 23, 1904.

COMMISSIONERS
TAMM DIXON,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-410

ALLISON L. AVLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1904.

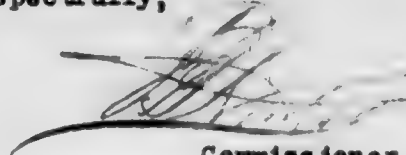
Lucy Brown,

Coalgate, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,



Commissioner in Charge.

7-D-410.

Muskogee, Indian Territory, November 3, 1905.

Patsy Poff,

Poster, Indian Territory.

Dear Madam:

On September 2, 1899 application was made to the Commission to the Five Civilized Tribes for the enrollment of Lucy Brown as a citizen by intermarriage of the Choctaw Nation. Frequent letters addressed to her last known postoffice address at Coalgate, Indian Territory, have been returned unclaimed.

Inasmuch as you gave testimony in her behalf in 1899, you doubtless know of her whereabouts and if so, kindly notify this office of the same at the earliest possible date

An envelope requiring no postage is enclosed herewith for reply.

Respectfully,

Commissioner.

Enc. Env.

Foster, Nov. 16, 1905.

Commission to the Five Civilized tribes,

Muskogee, I.T.

Dear Sirs.

Your letter dated Nov 3-1905 I had contents noted in regard to Lucy Brown being enrooled as a Choctaw intermarried. you state I gave testimony in her behalf in the yr 1899 I will say in reply that I know nothing of her whereabouts I dont know her and if I ever new her I have entirely for gotten her you will please state where I gave the testimony at and before whom did I make testimony perhaps by giving me some of the circumstances surrounding the case I may come to my recollection but at present have no recollection of ever giving testimony in behalf any person by the name of Lucy Brown as intermarried Choctaw Citizen.

Yours Truly,

Patsy Poff.

7-D-410

Muskogee, Indian Territory, November 25, 1905.

Patsy Poff,

Foster, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 16, 1905, in which you state that you can give no information as to the whereabouts of Lucy Brown, an intermarried citizen of the Choctaw Nation and have no recollection of having given any testimony in her behalf, but if you are advised when and before whom the testimony referred to was given you may be able to recall some facts in connection with the matter.

In reply to your letter you are advised that it appears from the records of this office that at Atoka, Indian Territory, in 1899, you testified before the Commission to the Five Civilized Tribes in the matter of the application of Lucy Brown for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Lucy Brown as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the census card record in this case that on September 2, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Lucy Brown (sixty years of age) as a citizen by intermarriage of the Choctaw Nation.

This office has for the past four years, through its field parties operating in the Choctaw and Chickasaw Nations and its land offices and by interviews at this office of prominent Choctaw and Chickasaw citizens of extensive acquaintance, made every effort to ascertain the whereabouts of said applicant, but no information has been obtained.

It is considered that the applicant is either dead or residing without the limits of the Indian Territory.

I am, therefore, of the opinion that the application for the enrollment of Lucy Brown as a citizen by intermarriage of the Choctaw Nation should be dismissed, and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

SEP 1 1907

7-D-410.

Muskogee, Indian Territory, November 3, 1905.

Postmaster, C

Coalgate, Indian Territory.

Dear Sir:

On September 2, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Lucy Brown as a citizen by intermarriage of the Choctaw Nation. Frequent letters addressed to her last known postoffice address at Coalgate, Indian Territory, have been returned unclaimed. If you have any knowledge relative to her whereabouts kindly notify this office of the same at the earliest possible date.

Respectfully,

Commissioner.

Coalgate, Ind. Ter. Nov. 4-1905.

Dear Sir I have endeavored to find party ref to but cannot find any one who knows her.

Yours Very Respt.

G. S. Gray,
P. M.

7-2-410.

Muskogee, Indian Territory, August 16, 1904.

Lucy Brown,

Coalgate, Indian Territory,

Dear Madam:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

MEMORANDA.

(Date) 1899.

Name

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name, *Lucy B. ...*

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children:

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

ad. Puff

410

D

411

James A. Jones.

Transferred to CHOCTAW 5873.

CHOC

D 412

Rebecca Goodson.

Record transferred to

CHOCTAW: #5817.

choc D 413 Elzey R. Poole

Dismissed Nov 12, 1904

D413

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

in the matter of the application for the enrollment
as a citizen by intermarriage of the Choctaw Nation of--

ELZEY R. POOLE.

7-D-413.

Commission to the Five Civilized Tribes,
Atoka, Indian Territory.

In the enrollment of Elzey R. Pool as an intermarried chock-
taw; being sworn and examined by com'r McKennon she states:

- Q What is your name? A Elzey R. Pool.
Q How old are you? A Thirty-eight.
Q You present here a marriage license dated September 1st, 1899,
to marry Georgia A. Pool, was this the first time you married her?
A No sir.
Q When did you marry her before? A In 1878.
Q Where? A In Grayson county, Texas, under the Texas law.
Q Were you separated or divorced from her? A No sir.
Q This was a second marriage? A Yes sir.
Q You were admitted by the court? A No sir, I was not.
Q She was admitted by the court? A Yes sir.
Q At South McAlester September 9th 1897, case #63? A Yessir.
Q You are a white man? A Yes sir.

Department of the Interior,
Commissioner of the Bureau of Indian Affairs.

I hereby certify under the official oath as
stenographer to the named Commission that this
transcript is a true, full and correct translation of
my stenographic notes.

M. Osborn

COMMISSIONERS
HENRY L. DAWES,
TAMM BIRNEY,
THOMAS B. NEDDLES,
C. R. BROOKSHIRE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES. Choctaw D-41.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, March 1, 1902.

Elsey R. Poole,

Elk, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Neddles.

Registrar.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 10, 1902.

.....
:: In the matter of the application ::
:: of Elzey R. Poole for enrollment as ::
:: a citizen by intermarriage of the ::
:: Choctaw Nation. ::
.....

D-413.

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Elzey R. Poole for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 10th day of April, 1902, for final consideration.

Now on this 10th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant being called, failed to appear either in person or by attorney.

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 11th day of April, 1902.

W. A. Mitchell

Notary Public.

Choctaw, D. 413.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ada, I. T., November 10, 1902.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Elzey R. Poole.

Elzey R. Poole being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Elzey R. Poole.
Q How old are you? A 43.
Q What is your post office address? A Elk, I. T.
Q Is that in the Chickasaw Nation? A Yes sir.
Q How long have you resided in the Chickasaw Nation? A About 3 years I guess.
Q Where did you live before that? A In the Choctaw Nation.
Q When did you remove to the Chickasaw Nation? A I removed to the Chickasaw Nation about 4 years ago next January.
Q You have lived in the Chickasaw Nation ever since continuously? A Yes sir.
Q How long did you live in the Choctaw Nation? A About 8 years.
Q Are you a claimant for intermarried rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Indian Wife? A Her maiden name was Georgia A. Dillard.
Q Was she a recognized and enrolled citizen of the Choctaw Nation? A I suppose so, they issued license for her.
Q Her rights were never questioned by the tribal authorities? A I reckon not; of course she was a court claimant.
Q When did you first marry her? A I think in '76.
Q Where did this marriage take place? A Grayson county, Texas.
Q You were then living in Texas and married under a Texas license? A Yes sir.
Q How long after that was it before you removed to the Choctaw Nation? A Quite a while, I dont remember how long; quite a while.
Q Did you apply to the Dawes Commission in 1896 for enrollment as an intermarried citizen of the Choctaw Nation? A I dont think our claim went up as an intermarried citizen, because I wasn't married according to the law.
Q Was your wife not before the Commission and also before the United States court in 1896? A Yes sir.
Q Were you not included in the same application? A It might be.
Q Dont you know whether you were or not? A I dont remember whether I was or not; I know we had not married according to the law.
Q Were you ever married again to Georgia A. Dillard after that first marriage in Texas? A I was married to Georgia A. Poole.
Q That is the same woman? A Yes sir.
Q Were you married under Choctaw law? A Yes sir.
Q Where did you procure the license? A Atoka.
Q Were you living in the Choctaw Nation at that time? A No sir, in the Chickasaw Nation.
Q How much did you pay for that license? A I think a hundred dollars.
Q You went from the Chickasaw Nation over to the Choctaw Nation and procured that license? A Yes sir.
Q Then you immediately returned to the Chickasaw Nation and have been living here ever since? A Yes sir.
Q Who married you? A I dont know what the preacher's name was. I got the license from Harrison, it seems like it was John Harrison

Elzey R. Poole---2

- Q How long have you been living in the Chickasaw Nation at the time you procured this second license? A I had not been living here more than 12 or 18 months; I don't remember just exactly the dates.
- Q Was your wife, Georgia A. Poole, ever married before her marriage to you? A No sir.
- Q Were you ever married before your first marriage to her? A No sir.
- Q Is she living? A No sir.
- Q When did she die? A 16th day of February, 1901.
- Q Did you live with her continuously as her husband from the time of your first marriage until her death? A Yes sir.
- Q There was no separation, abandonment or divorce? A No sir.
- Q Have you married since her death? A Yes sir.
- Q What is the name of your present wife? A Claudie Kern.
- Q Is she a white woman? A Yes sir.
- Q She makes no claim to enrollment as a citizen of any Indian Tribe? A No sir.
- Q When were you married to her? A I was married the 7th day of January of this year.
- Q Married under a United States license? A Yes sir.
- Q You are at present living with her as her husband in the Chickasaw Nation? A Yes sir.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Ada, I. T., on the 10th day of November, 1902, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 25 day of November, 1902.

Charles K. Sample
Notary Public.

7A513

I do certify that I recorded
the within marriage license
and certificate in my office
in Book 2 page 538
this 11th day of Sept. 1893

R. W. Harrison

Clk of County Court
Atoka Co. Ok

7A513

MARRIAGE LICENSE.



Choctaw Nation,
Atoka County. } ss.

To any person authorized by law to solemnize marriages—
Greeting:

You are hereby commanded to solemnize the Rite and publish the
Banns of Matrimony between Mr. *E R Pool*, of
Elk, in the *Ind Ter*, aged *38* years, a citi-
zen of the *United States*, and M *Georgia A Pool*
of *Elk*, a citizen of the *Choctaw Nation* in the
Ind Ter, aged *34* years, according to law, and do you
officially sign and return this license to the parties therein named.

Witness my hand and official seal, this *1st* day
of *Sept* A. D., 189*9*

R W Harrison

Clerk of the County Court.

By

Deputy.

CERTIFICATE OF MARRIAGE.

Choctaw Nation,
Atoka County. } ss.

I, *R. H. Linebaugh*, a
Minister of the Gospel

Do hereby certify, that on the *1st* day of *Sept*, A. D., 189*9*, I did
duly, and according to law, as commanded in the foregoing license, solemnize
the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this *1st* day of *Sept* A. D., 189*9*

R. H. Linebaugh

A Minister of the Gospel

215
Hood
7-D-413.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Elzey R. Poole as a citizen by intermarriage of the Choctaw
Nation.

-----:-----:-----

It appears from the census card record in this case that on September 2, 1899 Elzey R. Poole appeared before the Commission and made personal application for enrollment as a citizen by intermarriage of the Choctaw Nation, claiming his right thereto by virtue of his marriage with one Georgia A. Poole, an alleged Choctaw citizen by blood.

It appears from the records of the Commission that on September 7, 1896 in the cases entitled "Elzy R. Pool vs. Choctaw Nation." and "George Ann poole vs. Choctaw Nation." (1896 Choctaw Citizenship Docket, cases number 561 and 571, respectively), the applicant, Elzey R. Poole, made original application to the Commission under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321) for admission to citizenship in the Choctaw Nation, claiming his right thereto by virtue of his marriage with the said Georgia A. Poole, and on December 2, 1896 the said Elzey R. Poole was by this Commission denied admission to citizenship in the Choctaw Nation as a citizen by intermarriage. From this decision of the Commission an appeal was taken to the United States Court for the Central District of Indian Territory, which court on September 9, 1897 in the case entitled "Mary A. Sanders, et al. vs. Choctaw Nation." (Citizenship Case, number 63), affirmed said decision of the Commission denying the applicant, Elzey R. Poole, admission as a citizen by intermarriage of the Choctaw Nation.

It does not appear from the records in the possession of the Commission that the applicant, Elzey R. Poole, caused his case to be appealed or certified to the Choctaw and Chickasaw Citizenship Court as provided by the provisions of the act of Congress approved July 1, 1902 (32 Stat., 641).

2.

It appears from the record herein that on September 1, 1899 the applicant, Elzey R. Poole, was remarried to the said Georgia A. Poole in accordance with the laws, customs and usages of the Choctaw Nation and that said Georgia A. Poole died on February 16, 1901.

It further appears from the records in the possession of the Commission that Chas. W. Poole, Thos. B. Poole, Edward S. Poole, Myrtie M. Poole and Montie R. Poole, children of the applicant, Elzey R. Poole, and said Georgia A. Poole, were on January 20, 1904 denied admission as citizens by blood of the Choctaw Nation by a decree of the Choctaw and Chickasaw Citizenship Court in case number 43 upon the South McAlester docket of said court.

It is, therefore, hereby ordered that the application for the enrollment of Elzey R. Poole as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Muskogee, Indian Territory,

NOV 12 1904

Choctaw D-413

COPY.

Muskogee, Indian Territory, November 12, 1904.

Elsey R. Poole,

Elk, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 12, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

John Kirby

Chairman.

Registered.

Incl. 7-D-413.

COPY.

Choctaw D-413

Muskogee, Indian Territory, November 12, 1904.

J. S. Mullen,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 12, 1904, dismissing the application for the enrollment of Elzey R. Poole as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Lamar Dixon

Chairman.

Registered.

Incl., 7-D-413.

Choctaw D-413.

Muskogee, Indian Territory, November 12, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated November 12, 1904, dismissing the application for the enrollment of Elzey R. Poole as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tame Lixoy

Chairman.

Incl. 7-D-413.

Muskogee, Indian Territory, September 18, 1901 .

Mr. J. S. Mullen,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant in which you state that Mrs. G. A. Poole, of Elk, Chickasaw Nation was admitted to Choctaw citizenship by a judgment of the United States Court for the Central District of the Indian Territory, and that sometime in September, 1899, E. R. Poole, the husband of Mrs. G. A. Poole re-married under the laws of the Choctaw Nation and that shortly after such re-marriage he appeared before the Commission to the Five Civilized Tribes at Atoka, Indian Territory.

It is stated further in your letter that Mrs. G. A. Poole died in February 1901 and that Mr. E. R. Poole now desires to marry a white woman and you request to be advised whether he will imperil his rights to enrollment as an intermarried citizen of the Choctaw Nation if he should now contract a marriage with a white woman.

You are informed that the records of this office show that on September 21, 1899, Elmer E. Poole, appeared before the

Commission to the Five Civilized Tribes at Atoka, Indian Territory and made application for enrollment as an intermarried citizen of the Choctaw Nation at which time he presented a marriage license dated September 1, 1899, to marry Georgia A. Poole. It appears further from the testimony that he was married to this same woman in Grayson County, Texas under the laws of that state in 1878 and that he had never been separated or divorced from her.

No decision has yet been rendered by the Commission relative to the rights to final enrollment as a citizen of the Choctaw Nation of Elay R. Poole, nor can this office now state when his application will be considered.

You are further informed that the question as to whether or not Elay R. Poole would imperil his rights to final enrollment as an intermarried citizen of the Choctaw Nation by contracting a marriage with a white woman is one which it is believed he should decide for himself.

Yours truly,

7-D.413.

Acting chairman.

Muskogee, Indian Territory, October 31, 1901.

George Collins,

Elk, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you desire to be informed if E. P. and G. A. Poole and Walter W. Jones have been enrolled as citizens of the Chickasaw Nation.

Replying to your letter, you are informed that it appears from the records of the Commission that on September 7, 1898, Georgia A. Poole, 34 years of age, and the wife of Elzey R. Poole, was listed for enrollment by this Commission as a citizen of the Choctaw Nation in pursuance of a judgment of the United States Court for the Central District of the Indian Territory, in citizenship case No. 63.

It further appears that on March 14, 1901, the Commission was in receipt of the evidence of death of Georgia A. Poole on the 15th day of February, 1901.

It further appears from our records that on September 2, 1899, Elzey R. Poole, 22 years of age, of Elk, Indian Territory, made application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation. It appears that Elzey R.

People under the Act of Congress of June 10, 1896, filed with this Commission an original application for citizenship in the Choctaw Nation which was denied by the Commission and on appeal by the applicant to the United States Court for the Central District of the Indian Territory, the court sustained the decision of this Commission. The action of the Commission and the court under the Act of Congress of June 10, 1896, is final.

It further appears from our records that on September 22, 1898, Walter W. Jones, 38 years of age, of Tatum, Indian Territory, was listed for enrollment as a citizen of the Choctaw Nation, having been admitted to such citizenship by a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, Indian Territory, January 17, 1898 in court case No. 148.

Yours truly,

Acting Chairman.

7-4969

7-3103

7-D413

Muskogee, Indian Territory, January 21, 1902.

R. S. Hendon,

Elk, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the sixteenth instant, in which you desire a statement of the Commission relative to the rights to enrollment as a citizen of the Chickasaw or Choctaw Nation of one R. R. Pool.

Replying to your inquiry, you are informed that it appears from our records that on September 2, 1898, Elsey R. Pool, thirty eight years of age, of Elk, Indian Territory, made application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation. The woman through whom he claims such intermarried citizenship rights is Georgia A. Pool, now deceased, who was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, in Choctaw citizenship case number 63. It also appears that Elsey R. Pool was admitted as an intermarried citizen of the Choctaw Nation in the judgment of the court above referred to.

The Commission has rendered no decision or opinion relative

R.S.N. 2

to the final rights of Elzey R. Pool to enrollment as a citizen by intermarriage of the Choctaw Nation and it is probable that no such action will be taken until some date is fixed or agreed upon for the final closing of the roll of citizenship of the Choctaw Nation.

You are further advised that the Commission cannot consider or make any record of controversies existing between citizens of the Choctaw and Chickasaw Nations at this time, relative to the rights to possession of any certain tracts of land in the Choctaw-Chickasaw country. Matters of this kind will receive the attention of the Commission upon the establishment of an allotment office in the Choctaw-Chickasaw country for the purpose of allowing the citizens of these two nations to make selection of and file upon their prospective allotments.

Yours truly,

Commissioner in Charge.

7 D 413

Muskogee, Indian Territory, January 27, 1902.

W. T. Scott,

Musk, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, in which you desire to be informed if a new citizen can hold land and fence up the public domain of the Chickasaw Nation and referring especially to one, E. R. Poole who you claim is now receiving about six thousand dollars in rents for land that he has fenced of the public domain of the Chickasaw Nation.

Referring to the rights of E. R. Poole as a citizen of the Chickasaw Nation, you are advised that it appears from our records that on September 2, 1899, Elsey R. Poole, 35 years of age, of Musk, Indian Territory, made application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation, having been admitted to such citizenship by a judgment of the United States Court for the Southern District of the Indian Territory on appeal from the decision of the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896.

It further appears from our records that Mr. Poole was

married to Georgia A. Dillard by whom he has eight children, who have been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory and in pursuance of such judgment, listed for enrollment as citizens of that nation.

If, as you claim, Mr. Poole is holding and maintaining possession of ~~the land~~ in excess of that to which himself and his minor children would be entitled in the allotment of the lands of the Choctaw-Chickasaw country, the attention of the United States District Attorney for the District in which such excessive holdings are maintained should be invited thereto for such consideration as he might deem advisable under the provisions of the following sections of the act of Congress of June 22, 1898:

"That it shall be unlawful for any citizen of any one of said tribes to in whole or in any manner, by himself or through another, directly or indirectly, to hold possession of any greater amount of lands or other property belonging to any such nation or tribe than that which would be his approximate share of the lands belonging to such nation or tribe and that of his wife and his minor children as per allotment herein provided; and any person found in such possession of lands or other property in excess of his share and that of his family, as aforesaid, or having the same in any manner enclosed, at the expiration of nine months after the passage of this Act, shall be deemed guilty of a misdemeanor."

"That any person convicted of violating any of the provisions of sections sixteen and seventeen of this Act shall be deemed guilty of a misdemeanor and punished by a fine of not less than one hundred dollars, and shall stand committed, until such fine and costs are paid (such commitment not to exceed one day for every two dollars of said fine and costs), and shall forfeit possession of any property in question, and each day on which such offense is committed or continues to exist, shall be deemed a

W 2 1 2

separate offense. And the United States district attorneys in said Territory are required to see that the provisions of said sections are strictly enforced and they shall proceed at once to dispossess all persons of such excessive holding of lands and to prosecute them for so unlawfully holding the same."

Yours truly,

Acting Chairman

W 2 1 2

7-2-413.
7-4989.

Muskogee, Indian Territory, August 27, 1902.

J. J. Hayes,

Elk, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, requesting information relative to the enrollment of E. R. Peole and his children as citizens of the Choctaw Nation.

It appears from the records of the Commission that on September 2, 1899, Elzey R. Peole made application to the Commission for enrollment as an intermarried citizen of the Choctaw Nation.

It further appears that on September 7, 1899, application was made to the Commission for the enrollment of Charles W., Thomas J., Edward B., Myrtle M., Montie R., Elay A. and Maggie May Peole as citizens by blood of the Choctaw Nation, all of said applicants being the minor children of Elzey R. Peole and Georgia A. Peole. On March 14, 1901, application was also made for the enrollment of the minor child John Everett Peole, and proper evidence was offered showing his birth to Elzey R. and Georgia A. Peole, subsequent to the original application of these parties for enrollment.

No final action has been taken by the Commission in the matter of the enrollment of these parties as citizens of the Choctaw

J. J. H., 2.

Nation, but it is probable that their applications will be taken up for consideration at an early date, at which time the parties interested will be duly advised of the decision of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

MEMORANDA.

14 e

(Date)

1899.

Name Elmer R. Drake

Choctaw? yes County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship us

Intermarried citizen? yes

Married under what law? _____

License filed this day yes

Wife's name, _____

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? _____

Married under what law? _____

License filed this day _____

Names of children:

_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____

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D. 4
Charles J. Kandle

Record Transferred to
Choctaw card # 4432.

CHOCIA

115

John Frontierhouse

Record transferred to

CHOCIAWA

#5836

Choc 04/6 Mary Mitchell

Dismissed May 27, 1904

04/6

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment
as a citizen by intermarriage of the Choctaw nation of:

Mary Mitchell,

7-D-416.

-----o-----

Commission to the Five Civilized Tribes,
Atoka, Indian Territory.

In the enrollment of Mary Mitchell as an intermarried Choctaw;
being sworn and examined by Com'r McKennon she testifies as follows

- Q What is your name? A Mary Mitchell.
- Q How old are you? A Fifty-two.
- Q You present here a marriage certificate signed James D. Catlin Minister of the Gospel, dated September 1st, 1899, to marry John Mitchell, were you ever married to him before? A Yes sir.
- Q When? A In 1853.
- Q Have you been living with him all this time?
- A Yes sir.
- Q Never have been separated or divorced from him? A No sir.
- Q And now have married him again? A Yes sir.
- Q This is a second marriage? A Yes sir.
- Q Was your husband admitted by the court? A Yes sir, at McAlester.
- Q Where were you all married the first time? A In Arkansas.

(Com'r McKennon: Husband admitted August 25th, 1897, at South McAlester, case #116, United States court.)

Department of the Interior,

Commissioner of the Five Civilized Tribes.

I hereby certify on the official oath as stenographer to the named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

7-D-416

7-D-416.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Mary Mitchell for
enrollment as a citizen by intermarriage of the Choctaw Nation.

-----o-----

The applicant, Mary Mitchell, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one John Mitchell. The right of the applicant's husband, John Mitchell, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of April 18, 1904, in case No. 101, upon the South McAlester docket of said court, it is hereby ordered that the application of Mary Mitchell for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.

Muskogee, Indian Territory,

7- D- 416.

COPY!

Muskogee Indian Territory, June 8, 1904.

Mary Mitchell,

Purdy, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tame Bixby.

Chairman.

Registered,

Incl. 7- D- 416.

7- D- 416.

COPY:

Muskogee, Indian Territory, June 8, 1904.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as a citizen by inter-marriage of the Choctaw Nation of Mary Mitchell.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. 7- D- 416.

7- D- 416.

COPY.

Muskogee, Indian Territory, June 8, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as a citizen by inter-marriage of the Choctaw Nation of Mary Mitchell.

Respectfully,

SIGNED

Tarns Bixby.

Chairman.

Registered.

Incl. 7- D- 416.

See Choctaw R- 650 for registry receipt for this letter.

Washoe, Indian Territory, November 23, 1900.

John Mitchell,

Purdy, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 19th instant relative to your wife's right to enrollment as a citizen by intermarriage of the Choctaw Nation and in which you state that the Commission in its letter of the 9th instant was in error in stating that no application had ever been made on behalf of your wife for enrollment as a citizen by intermarriage of that Nation.

The information contained in your letter has enabled the Commission to identify your wife as having been listed for enrollment by this Commission as a doubtful claimant to intermarried citizenship in the Choctaw Nation and regrets that an error was made in its letter of the 9th instant.

The records of the Commission show that your wife, Mary Mitchell, 52 years of age, was listed for enrollment by this Commission as a doubtful claimant to intermarried citizenship in the Choctaw Nation on September 2nd, 1899. At the time of her appearance before the Commission as above stated she presented in evidence a certificate of James D. Catlin, a minister of the Gospel as to her marriage of September 1st, 1899 to John Mitchell but from her testimony given at that time it appears that this was the second marriage under the Choctaw law and that she had been formerly married to John Mitchell under the laws of the United States in 1883 and that

JMR

she had never been separated or divorced from him.

John Mitchell through whom she claims this right to intermarried citizenship, was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, rendered August 28th, 1897 in court case No. 116, but his wife was not a party to the original application made to this Commission under the act of June 10th, nor was she admitted with her husband to citizenship in the Choctaw Nation. She was living with him as his wife at the time that the application was made in 1896 and had been living with him since their marriage in 1853. The Commission did not feel warranted in listing your wife for enrollment at the time of her appearance at Atoka in September in 1889 and place her name on a doubtful card.

The rights of your wife to enrollment as an intermarried citizen of the Choctaw Nation is by virtue of her marriage to you and it appearing that your only rights to enrollment as a citizen of the Choctaw Nation being by virtue of a judgment of the United States Court for the Central District of the Indian Territory, you were not recognized as a citizen of that Nation prior to the rendition of that judgment.

The Choctaw and Chickasaw Nations through their attorneys have recently filed in the United States Court for the Central District of the Indian Territory a suit in equity against all parties admitted to citizenship in these two Nations by judgment of the United States Courts in the Indian Territory and pending the final disposition of that suit the Commission can only consider applicants so admitted to citizenship as doubtful claimants to enrollment.

J. E. S

The rights of your wife as an intermarried citizen of the Choctaw Nation being only by virtue of her marriage to you and your right as a citizen of the Choctaw Nation now being in doubt, the Commission could not consider or determine her case until the final disposition of the suit now pending before the United States Courts.

Yours truly,

Acting Chairman.

7-D-414

7-5014

Muskogee, Indian Territory, November 26, 1900.

J. G. Falls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 22nd instant, in which you call attention to the Commission's letter of the 9th instant to John Mitchell of Purdy, Indian Territory, relative to the enrollment of his wife as a Choctaw by marriage.

On November 23rd, the Commission wrote John Mitchell as follows:

"The Commission is in receipt of your letter of the 19th instant relative to your wife's right to enrollment as a citizen by intermarriage of the Choctaw Nation and in which you state that the Commission in its letter of the 9th instant was in error in stating that no application had ever been made on behalf of your wife for enrollment as a citizen by intermarriage of that Nation.

The information contained in your letter has enabled the Commission to identify your wife as having been listed for enrollment by this Commission as a doubtful claimant to intermarried citizenship in the Choctaw Nation and regrets that an error was made in its letter of the 9th instant.

The records of the Commission show that your wife, Mary Mitchell, 52 years of age, was listed for enrollment by this Commission as a doubtful claimant to intermarried citizenship in the Choctaw Nation on September 2nd, 1899. At the time of her appearance before the Commission as above stated she presented in evidence a certificate of James D. Catlin, a minister of the Gospel as to her marriage of September 1st, 1899 to John Mitchell but from her testimony given at that time it appears that this was the second marriage under the Choctaw law and that she had been formerly married to John Mitchell under the laws of the United States in 1853 and that she had never been separated or divorced from him.

John Mitchell through whom she claims this right to intermarried citizenship, was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, rendered August 25th, 1897 in court

J O R 2

case No. 116, but his wife was not a party to the original application made to this Commission under the act of June 10th, nor was she admitted with her husband to citizenship in the Choctaw Nation. She was living with him as his wife at the time that the application was made in 1896 and had been living with him since their marriage in 1853. The Commission did not feel warranted in listing your wife for enrollment at the time of her appearance at Atoka in September in 1899 and placed her name on a doubtful card.

The rights of your wife to enrollment as an intermarried citizen of the Choctaw Nation is by virtue of her marriage to you and it appearing that your only rights to enrollment as a citizen of the Choctaw Nation being by virtue of a judgment of the United States Court for the Central District of the Indian Territory, you were not recognized as a citizen of that Nation prior to the rendition of that judgment.

The Choctaw and Chickasaw Nations through their attorneys have recently filed in the United States Court for the Central District of the Indian Territory a suit in equity against all parties admitted to citizenship in these two Nations by judgment of the United States Courts in the Indian Territory and pending the final disposition of that suit the Commission can only consider applicants so admitted to citizenship as doubtful claimants to enrollment.

The rights of your wife as an intermarried citizen of the Choctaw Nation being only by virtue of her marriage to you and your right as a citizen of the Choctaw Nation now being in doubt, the Commission could not consider or determine her case until the final disposition of the suit now pending before the United States Courts.

Yours truly,

Acting Chairman.

7-D-416

7-D-416

Muskogee, Indian Territory August 18, 1903.

Jasper N. Freeman,
Thomasville, Indian Territory.

Dear sir:

Receipt is hereby acknowledged of your letter of August 8, asking if you are entitled to enrollment and allotment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that it appears from our records that you have been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation and your final rights to such enrollment have not yet been determined. As soon as a decision is reached in your case you will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

MEMORANDA.

(Date) Sept 11. 2 1899.

Name

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

MC License filed this day,

Wife's name, Mary Mitchell

Choctaw ? yes County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship yes

Intermarried citizen ? yes

Married under what law ?

License filed this day

Names of children :

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

Can be seen in my ...
Sept 11 1899
11/65

CHOCTAW

D.

Admiral Moore

GRANTED.

and transferred to CHOCTAW
Card No. 5965. OCT 21 1905

CHOCTAW

N. 418

Hermie Durant

GRANTED.

*and transferred to CHOCTAW
card No. 5964, Sept. 21, 1905.*

D. 419

George England.

Record transferred to
Chatao card #71

CHOCTAW 77 420

John Stewart

GRANTED.

*and transferred
to Choctaw 5930.*

MAY 15 1905

GEORGE W. B. 4

N. E. Marshall

transferred to Choctaw

4335 FEB 1 1905

CHOCTAW.

D. 422

George C. Lynn.

Record transferred to
Choctaw card # 218

CHOCTAW

D 4

John Campbell

GRANTED.

*and transferred
to Choctaw 5928*

MAY 15 1905

11071111
D. 22
Finis L. Perkins

Record transferred to
Chesters card #3318

Choc D425 William H. Guyer
Dismissed Jan 21, 1905

D425

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of-

William H. Guyer

7-D-425.

Commission to the Five Civilized Tribes,

South McAlester, Ind. Ter.

In the enrollment of William H. Guyer as an intermarried Choctaw; being sworn and examined by Com'r McKennon he states:

- Q What is your name? A William H. Guyer.
- Q How old are you? A Thirty-six.
- Q You present here a license issued by the Clerk of Tobucksy County Choctaw Nation August 23rd, 1899, to marry Zora A. Guyer were you married to her before? A Yes sir.
- Q When? A 6th of September 1898.
- Q Where? A At South McAlester under the United States law.
- Q Were you separated or divorced from her? A No sir.
- Q This then was a second marriage was it? A Yes sir.
- Q Was your wife admitted by the United States Court at South McAlester? A Yes sir.
- Q When? A ~~in the~~ I think it was about the 19th of January 1898.

Department of the Interior,
Commission to the Five Civilized Tribes
I hereby certify as an official on behalf of the
stenographer to advise the Commission that this
transcript is a true, full and correct translation of
my stenographic notes.

MDH

of Iotuckay County
Choctaw Nation

Filed in my office
for record at 3 P.M.
and recorded in book
10. page 244 of Iotuckay
County Court records
This 28th day of Aug 1899

A. W. McClure
Clerk of Iotuckay
County Choctaw Nation

52786

I do solemnly swear that I will honor
deferred and submit to the Constitution and
laws of the Choctaw Nation and will neither
claim nor seek from the United States government
or from the judicial tribunals thereof any
protection privilege or redress incompatible
with the same as guaranteed to the Choctaw Nation
by the treaty stipulations entered into between
them so help me God

Wm H. Geyer

Sworn and Subscribed to before me this
23rd day of August 1899

A. M. McIlure
County and probate clerk
of Indian County
Choctaw Nation

Filed in my office
for record at 3 PM
and recorded in book
No. 10 page 244 of Indian
County Court records
this 28th day of Aug 1899
A. M. McIlure
Clerk of Indian
County Choctaw Nation

Marriage License.

THE CHOCTAW NATION.

Indian Territory.

TOBUCKSY COUNTY.

SS.

To any Minister of the Gospel, Judge or any person in the Choctaw Nation authorized to solemnize the rites of matrimony,
GREETING:—

Whereas, Wm H Guyer a citizen of the United States, has duly made application to the undersigned, Clerk of the County and Probate Court, within and for the County of Tobucksy, Choctaw Nation, for a license to enter into the Bonds of Matrimony with Gora A Guyer a citizen of the Choctaw Nation. And the undersigned being satisfied that the said Wm H Guyer is a suitable person to be granted license to enter into the Bonds of Matrimony with the said Gora A Guyer

Now, I therefore grant unto the said Wm H Guyer a license to marry the said Gora A Guyer And any Minister of the Gospel, Judge or any person authorized to solemnize the rites of Matrimony, is hereby authorized to join in Matrimony the said Wm H Guyer and the said Gora A Guyer

In testimony whereof I, Al W McClure County and Probate Clerk, in and for the County of Tobucksy, Choctaw Nation, have hereunto set my hand and seal of said Court, this Twenty Third day of August A. D. 1899

Al W McClure Clerk.

By D. C.
of Tobucksy County, C. N.

CERTIFICATE OF MARRIAGE.

CHOCTAW NATION,

Tobucksy County.

SS.

I, Erastus McWif

A. Chapman of the Epis. Ch.

do hereby certify, that on the 28th day of August A. D. 1899 I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this 28th day of August A. D. 1899—

My credentials are recorded in the office of the Clerk of the

Court. South M. Alexander S. T. Book ll. S. Court 'B' Page 73

Erastus McWif
A Minister of the Epis. Ch.

COMMISSIONERS

HENRY L. DAWES.
TAMM DIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO THE FOLLOWING

Choctaw D-425.

Muskogee, Indian Territory, March 3, 1902.

William H. Guyer,

Legal, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 11th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
William H. Guyer for enrollment as an
intermarried citizen of the Choctaw
Nation.

---D 425---

On the 3rd day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail; that the application of William H. Guyer for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory on the 11th day of April, 1902, for final consideration.

Now, on this 11th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 11th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 12th day of April, 1902.

Clarence C. Hullwood

Notary Public.

7-D-425.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

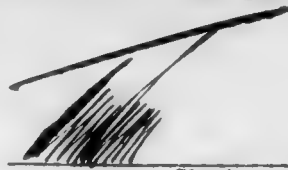
In the matter of the application of William H. Guyer,
for enrollment as a citizen by intermarriage of the Choctaw Nation.

-oOo-

The applicant, William H. Guyer, claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage to Zora A. Guyer, (nee Lewis).

The right of the applicant's wife, Zora A. Guyer, (as Zora A. Lewis) to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of December 3, 1904, in case number 58 upon the South McAlester Docket of said Court, it is hereby ordered that the application of William H. Guyer, for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Muskogee, Indian Territory,

JAN 21 1905

Choctaw D-425.

COPY.

Muskogee, Indian Territory, January 21, 1905.

William H. Guyer,

Legal, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 21, 1905, dismissing your application for enrollment as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

(SIGNED).

Tams Bixby

Chairman.

Registered.

Incl. 7-D-425.

Choctaw D-425.

COPY.

Muskogee, Indian Territory, January 21, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 21, 1905, dismissing the application for the enrollment of William H. Guyer as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED:

James Bixby

Chairman.

Incl. 7-D-425.

Choctaw D 425

Muskogee, Indian Territory, March 28, 1904.

James C. Johnson,

Center, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 21, asking the status of Wm. Guier's enrollment, and in reply you are advised that the Commission has not yet passed upon the application of William H. Guyer for enrollment as an intermarried citizen of the Choctaw nation.

Respectfully,

Commissioner in charge.

Choctaw 3, 94
Choctaw D 425

Wombach, Indian Territory, April 12, 1904.

John Cunningham,

Wombach, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 11, asking if W. H. Guyer and Mrs. E. E. Lewis are citizens or court claimants.

In reply to your letter you are informed that William H. Guyer is an application to the Commission for enrollment as an intermarried citizen of the Choctaw Nation, claiming his right to such enrollment through his marriage to Zora A. Guyer, who was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of Indian Territory.

You are further informed that Sarah E. Lewis was admitted as an intermarried citizen of the Choctaw Nation by the United States Court for the Central District of Indian Territory and that her case is now pending before the Choctaw and Chickasaw Citizenship Court.

Respectfully,

Chairman.

7-D-425
7-4709

Muskogee, Indian Territory, October 15, 1904.

J. L. Dilbeck,

Womack, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 6th instant, requesting to be advised relative to the citizenship of W. H. Guyer and S. E. Lewis.

You are advised it appears from our records that William H. Guyer of Legal, Indian Territory is an applicant to this Commission for enrollment as an intermarried citizen of the Choctaw Nation, but his right to enrollment as such have not yet been passed upon by the Commission.

You are further advised that Simon E. Lewis, whose post-office address was formerly South Canadian, Indian Territory is a citizen by blood of the Choctaw Nation, his enrollment as such having been approved by the Secretary of the Interior March 19, 1903.

Respectfully,

Commissioner in Charge.

1
Choctaw-3294
Choctaw-D-425

Muskogee, Indian Territory, January 12, 1904.

J. L. Wilbeck,

Roff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter without date, in which you ask if W. H. Guyer, is on the roll as an intermarried citizen or a Court Claimant. You also ask if Mrs. S. E. Lewis is on the roll as an intermarried citizen.

In reply to your letter you are informed that William H. Guyer is an applicant to this Commission for enrollment as an intermarried citizen of the Choctaw Nation by virtue of his marriage to Zora A. Guyer, who was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District, Indian Territory.

You are further advised that Sarah E. Lewis, wife of Edward M. Lewis, was admitted as an intermarried citizen of the Choctaw Nation by a judgment of the United States Court for the Central District, Indian Territory, rendered January 19, 1898, in court case, (Citizenship Docket), number 101.

Respectfully,

Chairman.

MEMORANDA.

(Date) Sept 16 1899.

Name W. H. ...

Choctaw? ye County ... Year ... No. ...

Chickasaw? ... County ... Year ... Page ...

Citizen by blood? ... Mother's citizenship 168

Intermarried citizen? ...

Married under what law? cho

License filed this day, ye

Wife's name, ...

Choctaw? ... County ... Year ... No. ...

Chickasaw? ... County ... Year ... Page ...

Citizen by blood? ... Mother's citizenship ...

Intermarried citizen? ...

Married under what law? ...

License filed this day ...

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

D425

Albert Banks.

Record transferred to

OTTAWA. + 5839.

W D

Hollie Engleman

GRANTED.

and transferred

Choctaw 4485

CHOCTAW D. 28

John H. Aduddell

*Record transferred to
Choctaw card # 4503.*

CHOCTAW D 429

Myrtle Smith

*Record transferred to
Choctaw card # 4513.*

Choctaw D430

Lillie Gamblin

Transferred to 7-6072

Granted
Feb. 1x 1907

D431

Gary Wilson

GRANTED.

*and transferred
to Choctaw 5937.*

MAY 15 1905

CHOCTAW # 432

Eli W. Brown.

CANCELLED

*transferred to Choctaw
card # 6010.*

Aug 13, 1906

CHOCTAW.

3 438

Thomas D. Dyer.

Record transferred to
Choctaw card # 4564.

CHOCTAW D. 434

Thos. L. Carpenter.

GRANTED.

and transferred to
card No. 197 OCT 21 1905 CHOCTAW

CHOSTAW.

James H. Roberson.

Record transferred to
Chostaw card #4569

Choc D436 James A. Sanders

Dismissed May 2, 1964

D436

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment
as an intermarried citizen of the Choctaw Nation of:

JAMES A. SANDERS ----- 7-D-436.

-----o-----
-----o-----
-----o-----
-----o-----
-----o-----
•

Commission to the Five Civilized Tribes,
South McAlester, Ind. Ter.

In the enrollment of James A. Sanders as an intermarried
Choctaw; bei g sworn and examined by Com'r McKennon he states:

Q What is your name? A James A. Sanders.

Q How old are you? A Forty-two.

Q You present here a license dat d September 4th 1899 issued by
the Clerk of the county court of Atoka county to marry Mary A.
Sanders, were you married to her before? A Yes sir.

Q When? A Twelve years ago.

Q Where? A In Texas.

Q Under the Texas law? A Yes sir.

Q You were not separated nor divorced from her? A No sir.

Q This is a second marriage then? A Yes sir.

Examined by Choc Com'r Lewis: Q You say your wife lives at
Oakland? A That is where we live now.

Q Was she living there when you took out this marriage license?

A No, she was at Lehigh.

Q Living there? A No, she was there with me.

Q Com'r McKennon: What was your home? A Oakland.

Q Your wife was admitted by the court? A Yes sir.

Q At South McAlester September 9th 1897/ case #63? A Yessir.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify that the foregoing is a true and correct translation of
the stenographic notes taken at the examination of James A. Sanders
transcript is a true, full and correct translation of
my stenographic notes
M. D. McKennon

I do hereby certify that
I did on the 4th day of Sept 1899
record the within Mortgage Lien
in my office in Atoka Co
Book 2 page 532

R. W. Harrison
Clerk of Atoka Co
C. Va

Atoka Co

MARRIAGE LICENSE.



Chectaw Nation,

Altoona

County.

ss.

To any person authorized by law to solemnize marriages—

Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. *J. A. Sanders*, of *Oakland*, in the *Ind* *Terr*, aged *42* years, a citizen of the *United States* and Mrs *Mary A Sanders* of *Oakland*, a citizen of the *Chectaw Nation* in the *Ind*, aged *37* years, according to law, and do you officially sign and return this license to the parties therein named.

Witness my hand and official seal, this *4* day of *Sept* A. D., 189 *9*

R. W. Harrison

Clerk of the County Court.

By

Deputy.

CERTIFICATE OF MARRIAGE.

Chectaw Nation,

Altoona

County.

ss.

I, *R. W. Harrison*

County Judge

a

Do hereby certify, that on the *4* day of *Sept*, A. D., 189 *9*, I did duly, and according to law, as commanded in the foregoing license, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this *4* day of *Sept*, A. D., 189 *9*

R. W. Harrison County Judge

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Choctaw D-436

Muskogee, Indian Territory, March 3, 1902.

James A. Sanders,

Oakland, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 11th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Register.

Commissioner in Charge.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of
James A. Sanders for enrollment as an
intermarried citizen of the Choctaw
Nation.

---D 436---

On the 3rd day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of James A. Sanders for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 11th day of April, 1902, for final consideration.

Now, on this 11th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

Harry C Risteen being first duly sworn upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 11th day of April 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 12th day of April 1902.

Charles Mitchell Wood
Notary Public.

Choctaw, N. 436.

Department of the Interior,
Commission to the Five Civilized Tribes.
Ardmore, I. T., October 31, 1902.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of James A. Sanders.

James A. Sanders being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A James A. Sanders.
Q What is your age? A 42. Forty-four.
Q What is your post office address? A Ardmore.
Q Are you a white man? A Yes sir.
Q You claim the right to enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q Through whom do you claim that right? A Mary A. Sanders.
Q When were you married to her? A The last of August, 1899, or the first of September, I don't remember which.
Q Where were you married? A Lehigh.
Q What Nation? A Choctaw.
Q Where were you residing at that time? A Choctaw.
Q How long had you been living in the Choctaw Nation at the time of your marriage? A I had been living in the Choctaw and Chickasaw about 16 years.
Q How long had you been living in the Choctaw Nation at that time? A About 4 years I think, 3 or 4.
Q Was your wife living there at the time of your marriage? A Yes sir, -- not exactly there; we had moved a load of our things down to Oakland in the Chickasaw Nation, but we had a place down there and were still down there.
Q You say you were married in 1899? A Yes sir.
Q Was that under a Choctaw license? A Yes sir.
Q Had you been married to your wife before that time? A Yes sir.
Q Under United States license? A Yes sir.
Q Have you lived in the Choctaw-Chickasaw country continuously since your first marriage to your wife? A Yes sir.
Q Never been out of the Indian Territory to establish a residence or make a home? A No sir.
Q You and your wife have lived together continuously as man and wife since the date of your first marriage? A Yes sir.
Q Never been any separation of any kind or character? A No sir.
Q Was she your first wife? A Yes sir.
Q You her first husband? A Yes sir.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Ardmore, I. T., on the 31st day of October, 1902, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 19 day of November, 1902.

Charles H. Hays
Notary Public.

7-D-436.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---:---

In the matter of the application of James A. Sanders for enrollment as a citizen by intermarriage of the Choctaw Nation.

---o---

The applicant, James A. Sanders, claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage to one Mary A. Sanders. The right of the applicant's wife, Mary A. Sanders, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of January 20, 1904, in case No. 43, upon the South McAlester docket of said court, it is hereby ordered that the application of James A. Sanders for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

Choctaw D-436

Muskogee, Indian Territory, May 13, 1904.

James A. Sanders,

Ardmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 13, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

Registered.

Incl. 7-D-436.

COPY. Chootaw D-436.

Muskogee, Indian Territory, May 13, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Chootaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of
this Commission, dated May 13, 1904, dismissing the application
of James A. Sanders for enrollment as a citizen by intermarriage
of the Chootaw Nation.

Respectfully,
(SIGNED)

Tams Bixby.
Chairman.

Incl. 7-D-436.

MEMORANDA.

(Date) *Sept 11* 1899.

we

Name *W. C. ...*

Choctaw? *Yes* County *...* Year *...* No. *...*

Chickasaw? *Yes* County *...* Year *...* Page *...*

Citizen by blood? *Yes* Mother's citizenship *...*

Intermarried citizen? *Yes*

Married under what law? *...*

License filed this day, *...*

Wife's name, *...*

Choctaw? *Yes* County *...* Year *...* No. *...*

Chickasaw? *Yes* County *...* Year *...* Page *...*

Citizen by blood? *Yes* Mother's citizenship *...*

Intermarried citizen? *Yes*

Married under what law? *...*

License filed this day *...*

Names of children:

	County	Year	Page	No.
...	County	Year	Page	No.
...	County	Year	Page	No.
...	County	Year	Page	No.
...	County	Year	Page	No.
...	County	Year	Page	No.
...	County	Year	Page	No.
...	County	Year	Page	No.
...	County	Year	Page	No.
...	County	Year	Page	No.
...	County	Year	Page	No.

Wife ...
9/...
Nation ...

V. C. ...

II-436

Muscogee, Indian Territory,

August 18th, 1900.

James A. Sanders,

Oakland, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-1-436.

Muskogee, Indian Territory, November 27, 1900.

I. W. Folsom,

Ardmore, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 24th instant in which you request to be informed if J. A. Saunders, his wife, and five or six children appear upon the rolls of citizens of either the Choctaw or Chickasaw Nations.

You are informed that the records of this Commission show that on September 7th, 1898, Mary A. Sanders, 37 years of age, whose post-office was at that time given as Coalgate, Indian Territory, together with her six minor children, William H., Dollie E., Sarah P., Luther E., Emmett G. and Archey L. Sanders, were listed for enrollment by this Commission as citizens of the Choctaw Nation having been admitted to such citizenship by judgment of the United States Court for the Central District of the Indian Territory rendered at South McAlester, Indian Territory, in Choctaw citizenship case No. 63.

The names of none of these parties appear upon the tribal roll of citizens of the Choctaw Nation in the possession of the Commission and they were listed for enrollment only in pursuance of the judgment of court above referred to.

Subsequently thereto and on September 8th, 1899, James A. Sanders, the husband of Mary A. Sanders and the father of the six minor children as above stated, appeared before the Commission and

I W 2

made application for enrollment as an intermarried citizen of the
Choctaw Nation claiming such right by reason of his marriage to
Mary A. Sanders who had been admitted to citizenship in the Choctaw
Nation by the judgment of court above cited, and offered in evidence
at that time a marriage license and certificate bearing date of
September 4th, 1899, under the laws of the Choctaw Nation.

Yours truly,

Acting chairman .

7-D-436

Choc D437 James R. Ross

D437

James G. Ross

DECISION RENDERED JAN 11 1905

REFUSED JAN 11 1905

COPY OF DECISION FORWARDED
APPLICANT JAN 11 1905

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS JAN 11 1905

RECORD FORWARDED DEPARTMENT
JAN 11 1905

ACTION APPROVED BY
SECRETARY OF INTERIOR
MAR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT
APR 4 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS
APR 15 1905

Commission to the Five Civilized Tribes,

South McAlester, Indian Territory.

In the enrollment of James H. Ross, of the Chickasaw Nation, being sworn and examined by Com'r McKinnon, his testimony is as follows:

Q What is your name? A James H. Ross.

Q How old are you? A Forty-two.

Q You were rejected by the United States court at South McAlester, September 9th 1897 in case #63 were you? A Yes sir.

Q You present here now a license dated September 2, 1899 issued by the clerk of the county court of Atoka county to marry Malvora Ross, had you been married to this woman before? A Yes sir.

Q When? A In 1895.

Q Where? A In Texas, Jack county.

Q When did you come to the Chickasaw Nation? A In 1896.

Q What time in 1896? A About September.

Q This was your wife when you married her the second time? A Yes sir.

Q Had you been separated or divorced from her? A Yes sir.

Q You live in ~~Kickapoo~~ what county now? A Pickens County Chickasaw Nation; I lived here in Atoka county until January.

Q When did you move to the Chickasaw Nation? A Last January.

Q When this license was issued you was living in the Chickasaw Nation? A Yes sir.

Q And the license was issued in the Chickasaw Nation?

A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that the foregoing is a true and correct copy of the transcript of the testimony of James H. Ross, as given and sworn to by him, and that the same is a true and correct translation of my stenographic notes.

J. D. McKinnon

(COPY)

MARRIAGE LICENSE."

Choctaw Nation,)
) ss.
Atoka County.)

To any person authorized by law to solemnize marriage, GREETING:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. James R. Ross, of Elk, in the Ind. Ter., aged 43 years, a citizen of the United States, and Mrs. Belzory Ross of Elk, a citizen of the Choctaw Nation in the Ind. Ter., aged 19 years, according to law, and do you officially sign and return this license to the parties therein named.

Witness my hand and official seal, this 2 day of Sept. A. D. 1899.

R. W. Harrison,

Clerk of the County Court.

-----o-----
CERTIFICATE OF MARRIAGE.

Choctaw Nation,)
) ss.
Atoka County.)

I, D. H. Linebaugh, a Minister of the Gospel, Do hereby certify, that on the 2nd day of Sept. A.D. 1899, I did duly, and according to law, as commanded in the foregoing license, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this 2nd day of Sept. A.D. 1899.

D. H. Linebaugh,

A Minister of the Gospel.

Endorsed on back as follows:

I do hereby certify that I recorded the within Marriage License in my office in Book 2 page 534.

R. W. Harrison.

Clerk of Atoka Co. C.N.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

Choctaw D-437.

Muskogee, Indian Territory, March 3, 1902.

James R. Ross,

Elk, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on 11th day of April, 1902,

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,
Register.

T. B. NEEDLES,

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
James R. Ross for enrollment as an
intermarried citizen of the Choctaw
Nation.

---D 437---

On the 3rd day of March, 1902, the applicant was notified by registered mail, and on the 4th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of James R. Ross for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 11th day of April, 1902, for final consideration.

Now, on this 11th day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicant being called failed to appear either in person or by attorney, and the Choctaw Nation failed to appear.

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 11th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 12th day of April, 1902.

Charles Mitchellwood

Notary Public.

Choctaw, D. 437.

Department of the Interior,
Commission to the Five Civilized Tribes.
Ada, I. T., November 10, 1902.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of James R. Ross.

James R. Ross being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A James R. Ross.
- Q How old are you? A 45.
- Q What is your post office address? A Ardmore.
- Q How long have you been a resident of the Chickasaw Nation? A About two or three years, about three years.
- Q Where did you live before that? A In the Choctaw Nation about Coalgate.
- Q How long did you live in the Choctaw Nation? A A little over two years.
- Q Do you now claim rights as an intermarried citizen of the Choctaw Nation? A Yes sir.
- Q What is the name of your Indian wife through whom you claim citizenship? A Belle Ross.
- Q Is she a recognized and enrolled citizen of the Chickasaw Nation? A I guess so.
- Q Have her rights ever been questioned? A Yessir, she has been before the Commission down here; I married under the Indian law.
- Q When were you first married to Belle Ross? A, In 1855 I believe it was, in Jack County, Texas,— No, it was in 1895.
- Q Where did this marriage take place? A Jack County, Texas.
- Q Were you married under Texas license? A Yes sir.
- Q Were you living in Texas at that time? A Yes sir.
- Q How soon after this marriage did you remove to the Choctaw Nation? A About a year and a half.
- Q Are you the identical James R. Ross who was before the Dawes Commission in 1896 and made application for enrollment as a citizen by intermarriage? A Yes sir.
- Q Your case was taken to the United States Court was it not? A I dont know.
- Q Appealed to the United States Court? A I think it was.
- Q Do you know what was done with your case at that time? A It has been in Court all the time since.
- Q Is it not a fact that you were rejected at that time? A No, I dont think I was.
- Q Dont you know what was done with your case? A I married over under—
- Q I am asking what was done with your case by the Court? A I dont recollect now what they did do with it; they carried it on up to the Court.
- Q After your rights were determined by the Court were you again married to Belle Ross? A Yes sir, I married under the Indian law.
- Q When did you marry her the second time? A At Atoka in 1899.
- Q At that time did you procure a Choctaw license? A Yes sir.
- Q How much did you pay for that license? A \$100.00.
- Q Were you living in the Choctaw Nation at that time? A No sir, I lived in the Chickasaw Nation; I moved from down there up here.
- Q You were living in the Chickasaw Nation at the time you procured this license and married the second time? A Yes sir.

James R Ross-----2

- Q How long had you been in the Chickasaw Nation? A About six months.
- Q Were you ever married before your marriage to Belle Ross? A No sir.
- Q Was she ever married before she married you? A No sir.
- Q Are you and she living together as husband and wife? A She is dead.
- Q When did she die? A She died in June, 1901.
- Q Did you live with her as her husband until the time of her death? A Yes sir.
- Q You have never married again? A No sir.

By S E Lewis, Choctaw Commissioner:

- Q You say you went down in the Choctaw Nation and procured the license and married and came right back, did you? A Yes sir, I was living here at that time.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Ada, I. T., on the 10th day of November, 1902, and that the within and foregoing is a full true and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 15 day of November, 1902.

Charles H Sawyer

Notary Public.

Max

7-D-437.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

In the matter of the application of James R. Ross for enrollment as a citizen by intermarriage of the Choctaw Nation.

--oOo--

-:D E C I S I O N:-

--oOo--

It appears from the records of the Commission that on September 7, 1896, in the case entitled "Bell Ross vs Choctaw Nation" (1896 Choctaw citizenship docket case number 664) application was made to this Commission for the admission of Bell Ross as a citizen by blood, and of James R. Ross as a citizen by intermarriage of the Choctaw Nation, he claiming his right thereto by reason of his marriage to the said Bell Ross, and that on December 2, 1896, this Commission rendered its decision denying said application; that thereafter the above named applicants, with others, consolidated their claims with the claims of those persons appearing in case number 789 upon said 1896 Choctaw citizenship docket and jointly appealed from the decision of the Commission to the United States Court for the central district of Indian Territory, which court, in the case entitled "Mary Sanders et al. vs Choctaw Nation" (Court case number 63), on September 9, 1897, entered of record a judgment admitting said Bell Ross and her son by the applicant herein, James E. Ross, (whose name was not included in the application made to this Commission in 1896) as citizens by blood of said Nation, and decreeing, as to the applicant herein,

"that the plaintiff herein (with others), James Ross, is not entitled to citizenship by reason of his not having married according to the Choctaw laws governing such marriages."

It further appears from the record herein that subsequent to the denial of the applicant by this Commission in 1896, and subsequent to his rejection by the United States Court on September 9, 1897, the applicant, on September 2, 1899, was married in accordance with the laws, customs and usages of the Choctaw Nation to the said Bell Ross, and that on September 6, 1899, he again applied to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation, claiming his right thereto by reason of his remarriage to the said Bell Ross as above set forth.

It further appears from the record herein that the said Bell Ross died on May 20, 1901.

It further appears from the records of the Commission

that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court created by the act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the central district of Indian Territory admitting the said Bell Ross and John E. Ross as citizens by blood of the Choctaw Nation.

The name of the applicant herein does not appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does the name of Bell Ross appear upon any of said rolls, and it does not appear from the record herein or the records of the Commission that either the applicant or the said Bell Ross has ever been admitted to citizenship in the Choctaw Nation by a duly constituted court or committee of said nation or by the Commission to the Five Civilized Tribes or by a decree of the United States Court for Indian Territory under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), except that the said Bell Ross was admitted to citizenship in said nation by the said decree of the United States Court which was subsequently set aside and vacated by the Choctaw and Chickasaw Citizenship Court as above set forth.

It does not appear from the records of the Commission that said cause, as to the said Bell Ross, was certified or appealed to the Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the provisions of the act of Congress approved July 1, 1902 (32 Stats., 641).

It does appear, however, from the records of the Commission that said cause, as to the said John E. Ross (son of the said Bell Ross), was duly certified to said Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by said act of Congress approved July 1, 1902, and that said court, by its decree of January 20, 1904, in case number 43 upon its South McAlester docket, denied the application of said John E. Ross for admission as a citizen of the Choctaw Nation.

It is therefore the opinion of this Commission that James R. Ross is not entitled to enrollment as a citizen by intermarriage of the Choctaw Nation, and that his application for such enrollment should be denied in accordance with the provisions of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
JAN

COPY.

Muskogee, Indian Territory, January 21, 1905

James R. Ross,

Ardmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 21, 1905, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED).

James Bixby
Chairman.

Registered.

Incl. 7-D-437.

Chectaw D 437

COPY.

Muskogee, Indian Territory, January 21, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Chectaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered January 21, 1905, denying the application for the enrollment of James R. Ross as a citizen by intermarriage of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

EDWARD,

James Bixby

Incl. 7-D-437.

Chairman.

COPY.

Muskogee, Indian Territory, January 21, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of James R. Ross as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commission, dated January 21, 1905, denying said application.

Respectfully,

~~W. H. H. H.~~

James Bixby

2 Incl. 7-D-437.

Chairman.

Through the
Commissioner of Indian Affairs.

Land.
6652-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, February 3, 1905.

(COPY).

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 21, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Choctaw Nation by James R. Ross.

January 21, 1905, the Commission decided adversely to the applicant.

The record shows that on September 7, 1896, in a case entitled Bell Ross vs. the Choctaw Nation, application was made to the Commission for the admission of Bell Ross as a citizen by blood and of this applicant as a citizen by intermarriage of the Choctaw Nation, he claiming his right by reason of his marriage to Bell Ross, and that on December 2, 1896, the Commission denied said application; that thereafter the applicants, with others, consolidated their claim and jointly appealed to the United States Court for the Central District, Indian Territory, which court in the case entitled Mary Sanders et al versus Choctaw Nation entered of record a judgment admitting Bell Ross and her son by this applicant, James E. Ross (whose name was not included in the application made in 1896) as citizens by blood of the Choctaw Nation and decreeing as to this applicant "that the plaintiff herein (with others), James Ross is not entitled to citizenship by reason of his not having married according to the Choctaw laws governing such marriages".

It further appears that subsequent to the denial of the applicant by the Commission and subsequent to his rejection by the United States Court on September 9, 1897, the applicant on September 2, 1899, was mar-

ried according to the laws, customs and usages of the Choctaw Nation to the said Bell Ross and that on September 6, 1899, he again applied to the Commission for enrollment as a citizen by intermarriage of the Choctaw Nation, claiming his right thereto by reason of his remarriage. It further appears that Bell Ross died May 20, 1901. It further appears that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court set aside, annulled, vacated and held for naught the judgment of the United States Court for the Central District, Indian Territory, admitting the said Bell Ross and James E. Ross as citizens by blood of the Choctaw Nation.

It does not appear that the applicant Bell Ross has ever been enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States tribunal other than as herein stated.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.E.
W.

Land.
18919-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, March 17, 1905.

(COPY).

The Honorable,

The Secretary of the Interior,

Sir:

Your attention is respectfully invited to the enclosed letter of the Commission to the Five Civilized Tribes of the 3rd instant acknowledging receipt of Departmental letter of February 7, 1905 (I.T.D. 1266-1905), directing it to inform the Department for use in the adjudication of the claim of James R. Ross for citizenship by intermarriage in the Choctaw Nation whether the name of Bell Ross appears upon any of the tribal rolls of the Choctaw or Chickasaw Nations, as shown by the records of its office.

Reporting, Commissioner Breckinridge states that the name of Belle Ross is not found upon any of the tribal rolls of the Choctaw or Chickasaw Nations in the possession of the Commission. Examination has been made of the 1885 census roll, the 1893 district payment roll and the 1896 census roll of the Chickasaw Nation. It appearing from the records of the Commission that Belle Ross was born in the year 1879, her name could not have appeared on the 1875 annuity roll of the Chickasaw Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-CB.

DC.15937-1905.
I.T.D. 1266
& 2730-1905.
L.R.S.

G.R. RJH. (COPY).

DEPARTMENT OF THE INTERIOR,
WASHINGTON, March 21, 1905.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

January 21, 1905, you transmitted the record of the application of James R. Ross for his enrollment as a citizen by intermarriage of the Choctaw Nation, including your decision of same date adverse to the applicants.

February 3, 1905, the Acting Commissioner of Indian Affairs, reporting in the matter, recommended that your decision, adverse to the applicant, be affirmed. A copy of his letter is inclosed. There is also inclosed a copy of the Acting Commissioner's letter of March 17, 1905.

The Department concurs in the recommendation made, and your decision, adverse to the applicants, is hereby affirmed.

Respectfully,

E. A. Hitchcock,

Secretary.

2 inclosures.

Choctaw D-437

COPY.

Muskogee, Indian Territory, April 4, 1905.

James B. Ross,

Ardmore, Indian Territory,

Dear Sir:

You are hereby notified that on the 21st day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission, rendered January 21, 1905, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Choctaw D-437

COPY.

Muskogee, Indian Territory, April 4, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 21st day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission, rendered January 21, 1905, denying the application for the enrollment of James R. Ross as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

I. B. Needles

Commissioner in Charge.

Muscoogie, Indian Territory,

August 18th, 1900.

James R. Ross,

Elk, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-437.

Muskogee, Indian Territory, March 3, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of February 7, 1905 (I T D 1266-1905) directing the Commission to inform the Department, for use in the adjudication of the claim of James R. Reas for citizenship by intermarriage in the Choctaw Nation, whether the name of Belle Reas appears upon any of the tribal rolls of the Choctaw or Chickasaw Nations, as shown by the records of this office.

Reporting in this matter I have the honor to advise that the name of Belle Reas is not found upon any of the tribal rolls of the Choctaw or Chickasaw Nation in the possession of the Commission. Examination has been made of the 1885 census roll, the 1893 leased district payment roll and the 1896 census roll of the Choctaw Nation and the 1893 leased district payment roll and the 1896 census roll of the Chickasaw Nation. It appearing from our records that Belle Reas was born in the year 1879 her name could not appear on the 1875 annuity roll of the Chickasaw Nation.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner in Charge.

MEMORANDA.

we
2

(Date) Oct 1 1899.

Name James P. Rose
 Choctaw? yes County _____ Year _____ No. _____
 Chickasaw? _____ County _____ Year _____ Page _____
 Citizen by blood? _____ Mother's citizenship US
 Intermarried citizen? yes
 Married under what law? Choctaw
 License filed this day, yes
 Wife's name, _____
 Choctaw? _____ County _____ Year _____ No. _____
 Chickasaw? _____ County _____ Year _____ Page _____
 Citizen by blood? _____ Mother's citizenship _____
 Intermarried citizen? _____
 Married under what law? _____
 License filed this day _____

Names of children:

_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____

As to _____
 Paper _____
 7/

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



1074
Return to writer unclaimed.

James R. Ross,

RECEIVED
JAN 20 1905
MUSKOGEE, IND. TER.

COMMISSIONERS:
TAMM EKEY,
THOMAS E. NEEDLES,
C. E. BROWNEBRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ORDER IN REPLY TO THE FOLLOWING:

Choctaw D 437

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 21, 1905

James R. Ross,
Ardmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 21, 1905, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Registered.

Incl. 7-D-437.

Chairman.

Choc D438 Dora Bryant

D438

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment
as an intermarried citizen of the Choctaw Nation of:

Dora Bryant,

7-D-438.

-----o-----

Commission to the Five Civilized Tribes,
South McAlester, Ind. Ter.

In the enrollment of John T. Bryant as a Choctaw; and wife as intermarried Choctaw; being sworn and examined by Com'r McKennon he testifies as follows:

- Q What is your name? A John T. Bryant.
- Q How old are you? A Twenty-five.
- Q Where have you been living? A In the Territory. Choctaw Nation.
- Q How long? A About ten years.
- Q All the while? A Yes sir.
- Q Haven't lived anywhere else during that time? A No sir.
- Q Have you got a wife? A Yes sir.
- Q This a second marriage? A Yes sir.
- Q Did you marry her before? A Yes sir.
- Q You present here a marriage certificate dated September 4th 1899, under which you married Mrs. Dora Bryant, had you been married to her before? A Yes sir.
- Q When? A We have been married about two years now.
- Q Where did you marry? A At South McAlester.
- Q Were you separated or divorced from her? A No sir.
- Q This is a second marriage then? A Yes sir.
- Q You have a child born to you? A Yes sir.
- Q What is the date of its birth? A March 12th 1898.
- Q What is its name? A Myrtle L.

Department of the Interior,

Commission to the Five Civilized Tribes

I hereby certify on my official oath as
stenographer to the aforesaid Commission, that this
transcript is a true, full and correct translation of
my stenographic notes

M. D. Green

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Dora Bryant for enrollment as an
intermarried citizen of the Choctaw
Nation.

---D 438---

On the 3rd day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail that the application of Dora Bryant for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 11th day of April, 1902, for final consideration.

Now, on this 11th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

-----o-----

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 11th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 12th day of April, 1902.

Charles H. Wood
Notary Public.

8610

7-D-438.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of Dora Bryant for enrollment as a citizen by intermarriage of the Choctaw Nation.

---O---

The applicant, Dora Bryant, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one John T. Bryant. The right of the applicant's husband, John T. Bryant, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of April 18, 1904, in case No. 86, upon the South McAlester docket of said court, it is hereby ordered that the application of Dora Bryant for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

7- D- 438.

COPY!

Muskogee, Indian Territory, June 8, 1904.

Dora Bryant,

South McAlester, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

~~Signature~~

James Bixby.

Chairman.

Registered.

Incl. 7- D- 438.

7- D- 438.

COPY.

Muskogee, Indian Territory, June 8, 1904.

Mansfield, McMurtry & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as a citizen by inter-marriage of the Choctaw Nation of Dora Bryant.

Respectfully,

(SIGNED)

James Bixby.

Registered.

Chairman.

Incl. 7- D- 438.

See Choctaw R- 650 for registry receipt for this letter.

7-4552
7-D-438

Muskogee, Indian Territory, November 11, 1905.

George M. Nicholson,
Attorney at Law,
Sulphur, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 8, 1905, in which you ask the status of the application of John Bryant and his wife Dora Bryant who you understand were parties to the case of Mary C. Hardin et al. before the United States Court.

In reply to your letter you are advised that it appears from the records of this office that John Bryant was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on April 18, 1904, in case No. 86 on the South McAlester docket.

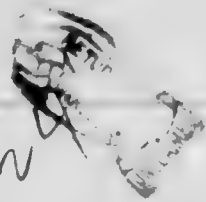
The applications for the enrollment of his wife Dora Bryant and his children Myrtle L., Jerel William, and Annie Lee Bryant were dismissed by the Commission to the Five Civilized Tribes on May 27, 1904, for the reason that they claimed their right to enrollment through John T. Bryant, who had been denied citizenship by the Choctaw and Chickasaw Citizenship Court.

Respectfully,

Commissioner.

2 na Potte June 4/04

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



Reg 62



Dora Bryant,
South McAlester, Indian Territory.

7- D- 438.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 8, 1904.

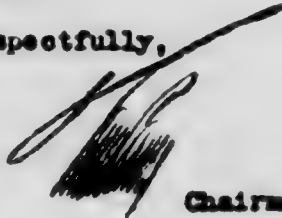
Dora Bryant,

South McAlester, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,



Chairman.

Registered.

Incl. 7- D- 438.

RAW D 4

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Record transferred to

CHOCATAW

5816.

Choc 0 440 John R. Leonard

0 440

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of

JOHN R. LEONARD

7-D-440.

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the enrollment of John R. Leonard as an intermarried chock-taw; being sworn and examined by com'r McKennon he states:

Q What is your name? A John R. Leonard.

Q How old are you? A Thirty-nine.

Q You present here a marriage license issued August 21st, 1899, by Atchison Ahuuntubby, Judge of the county court of Pickens county, Chickasaw Nation, to marry Miss Sarah L. Forsythe, were you married to this woman before? A Yes sir.

Q When? A In 1889, in the Chickasaw Nation.

Q Under the United States law? A I was married by a Minister; there wasn't no license.

Q Were you separated or divorced from her? A No sir.

Q Then her name was not Sarah L. Forsythe when you married her the last time? A No sir, it was Sarah L. Leonard.

Q This was a second marriage? A Yes sir.

Q Was she admitted by the court? A Yes sir.

Q Where? A At Ardmore.

Q When? A I don't know. She was enrolled at Ardmore by the commission.

Q ~~Where do you live in the Chickasaw Nation?~~ Where did you come from to the Chickasaw Nation? A Mexico.

Q How long have you lived in the Chickasaw Nation continuously?

A I have been a resident of that county two years.

Q When did you come to Pickens county last? A Two years ago last March.

J. J. McKennon, of the Interior,
Commissioner of the Five Civilized Tribes.
I hereby certify upon my official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

J. J. McKennon

(111)
H.L.
7-D-440.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John R. Leonard as a citizen by intermarriage of the Choctaw Nation.

---0---

The applicant, John R. Leonard, claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage to Sarah Leonard. The right of the applicant's wife, Sarah Leonard, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of June 29, 1904, case number 62 upon the Tishomingo docket of said court, it is hereby ordered that the application of John R. Leonard for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Muskogee, Indian Territory,

UCL 2 5 1 04

7-B-440

COPY.

Muskogee, Indian Territory, October 25, 1904.

John R. Leonard,

Dixie, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated October 23, 1904, dismissing your application for enrollment as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

Yours,

J. M. Dixie

Chairman

Registered.

Incl. 7-B-440.

COPY.

7-D-440

Muskogee, Indian Territory, October 25, 1904.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated October 25, 1904, dismissing the application for the enrollment of John R. Leonard as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tamo Dixie

Chairman.

Incl. 7-D-440.

Muscogee, Indian Territory,

August 18th, 1900.

John R. Leonard,

Dixie, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and that hearing will be final.

Yours truly,

Acting Chairman.

7-D-440.

Muskogee, Indian Territory, September 18, 1900.

John R. Leonard,

Dixie, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised is to your right to enrollment under your second marriage.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

MEMORANDA.

^{ne}
39 Name John R. Howard (Date) July 11 1899.

Choctaw? yes County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship us

Intermarried citizen? yes

Married under what law? Chick

License filed this day, yes

Wife's name, _____

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? _____

Married under what law? _____

License filed this day _____

Names of children:

_____ County _____ Year _____ Page _____ No. _____

_____ County _____ Year _____ Page _____ No. _____

_____ County _____ Year _____ Page _____ No. _____

_____ County _____ Year _____ Page _____ No. _____

_____ County _____ Year _____ Page _____ No. _____

_____ County _____ Year _____ Page _____ No. _____

_____ County _____ Year _____ Page _____ No. _____

_____ County _____ Year _____ Page _____ No. _____

_____ County _____ Year _____ Page _____ No. _____

_____ County _____ Year _____ Page _____ No. _____

As to marriage see his testimony

Wife, Sarah L., deceased in 1898

U-440

CHICAGO

8

044/

Charles H. Lee.

Record transferred to
Chicago Card #104.

Choc D442 John S. Price

D 442

Muskogee, Indian Territory, June 27, 1900.

Mr. J. D. Price,

Globe, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of June 7th, in which you inquire as to the status of your citizenship case, and also give data relative to your wife and her family.

In reply to your letter, you are advised that the records of the Commission show that on September 7th, 1896 the application of J. D. Price for citizenship in the Choctaw Nation was filed with this Commission, and that on December 2nd, 1896 the Commission granted your application and admitted you as an intermarried citizen of the Choctaw Nation. The case was appealed to the United States Court by the Choctaw Nation, and the judgment of the Commission was reversed. This Commission is therefore without authority to enroll you.

Yours truly,

Acting Chairman.

MEMORANDA.

(Date)

1899.

Name

John S. Price

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name.

Choctaw?

County

Year

No.

Chickasaw?

County

Year

Page

Citizen by blood?

Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County

Year

Page

No.

County

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No.

V. As to residence page 100

5442

Choc D443 Florence Keith

Dismissed 126 10, 1905

D443

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment
as a citizen by intermarriage of the Choctaw Nation of-

Florence Keith.

7-D-443.

Commission to the Five Civilized Tribes,
South McAlester, Indian Ter.

In the enrollment of Florence Keith as an intermarried Choctaw
John S. Price being sworn and examined by Com'r McKennon states:

Q What is your name? A John S. Price.

Q How old are you? A Fifty.

Q You present here a license issued August 31st, 1899, by the
County Clerk of Tarrant County, State of Texas, for the marriage of
J. L. Keith and Florence M. Dodds, what is J. L. Keith's name?

A James L. Keith.

Q Was he admitted by the United States Court at Ardmore?

A Yes sir.

Q Where is he living? A In Pickens county, Chickasaw Nation.

Q And this marriage was in the State of Texas? A Yes sir.

Q Under the Texas law? A Yes sir.

Q Did she live in Texas when she was married? A Yes sir,
never lived here, lived in Tarrant County.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to the named Commission that this
transcript is a true, full and correct translation of
my stenographic notes.

McKennon

COMMISSIONERS
HENRY L. DAWES.
TANS BIRBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

RETURN IN REPLY TO THE FOLLOWING.

Choctaw D-443.

Muskogee, Indian Territory,

March 3, 1902.

Florence Keith,

Addington, Indian Territory.

You are hereby notified that the application of
yourself

for enrollment as citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 11th day of April, 1902. On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of Florence Keith
for enrollment as an intermarried citizen of the
Choctaw Nation.

---D 443---

On the 3rd day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Florence Keith for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 11th day of April, 1902, for final consideration.

Now, on this 11th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 11th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 12th day of April, 1902.

Harmon Mitchell Wood

Notary Public.

WLL
Feb

C-D-413.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.


In the matter of the application of Florence Keith for
enrollment as a citizen by intermarriage of the Choctaw Nation.

-----C-----

The applicant, Florence Keith claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to James L. Keith.

The right of the applicant's husband, James L. Keith to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of November 28, 1904, in case No. 64 upon the Tishomingo Docket of said Court, it is hereby ordered that the application of Florence Keith for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.

Muskogee, Indian Territory,

FEB 1 1905

Choctaw D-443.

COPY.

Muskogee, Indian Territory, February 10, 1905.

Florence Keith,

Addington, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated February 10, 1905, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

James Bixby
Chairman.

Registered.

Incl. 7-D-443.

Choctaw D-443.

COPY,

Muskogee, Indian Territory, February 10, 1905.

Potter & Potter,
Attorneys at Law,
Gainesville, Texas.

Gentlemen:

Inclosed herewith you will find a copy of the order
of the Commission to the Five Civilized Tribes, dated February
10, 1905, dismissing the application for the enrollment of
Florence Keith as a citizen by intermarriage of the Choctaw
Nation.

Respectfully,

SIGNED).

Tame Bixby
Chairman.

Registered.

Incl. 7-D-443.

Choctaw D-443.

COPY.

Muskogee, Indian Territory, February 10, 1905.

Mansfield, McMurray & Cernish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated February 10, 1905, dismissing the application for the enrollment of Florence Keith as a citizen by intermarriage of the Choctaw Nation.

Respectfully,
(SIGNED).

Tams Bixby
Chairman.

Incl. 7-D-443.

Muscogee, Indian Territory,

August 18th, 1900.

Florence Keith,

Addington, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-443.

Muskogee, Indian Territory, September 18, 1900.

Fierence Keith,

Addington, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The objection raised, is the insufficiency of your marriage according to the Choctaw Laws.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, February 23, 1901.

Potter & Potter,

Gainesville, Texas.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 14th instant in which you refer to the Commission's communication of the 18th of September, 1900, informing Florence Keith as to the objection that had been filed by the Choctaw Nation to her enrollment on the grounds of insufficiency of her marriage.

You state in your letter that you as her attorney would be glad to have a copy of such objection together with the argument made in support of the same so that you may file an argument in reply by the first of March.

Replying to your letter you are informed that the records of the Commission show that on September 6th, 1899, Florence Keith 19 years of age, was listed for enrollment as a doubtful claimant to citizenship in the Choctaw nation. It appears that she is the wife of James L. Keith, who was admitted to citizenship in the Choctaw Nation by judgment of the United States Court for the Southern District of the Indian Territory. That the only evidence of her marriage to said Keith is under a license issued by the County Clerk of Tarrant County, Texas, August 31st, 1899. The contention of the Choctaw Nation is that this woman is not entitled to recognition as an intermarried citizen of the Choctaw Nation by reason of her marriage to James L. Keith under the license above referred to.-

P & P 2

No specific objection has been filed by the Choctaw Nation through its attorneys to the enrollment of this applicant and the time for the submission of written arguments or briefs on behalf of the Choctaw Nation in these protested enrollment cases has been extended to April 1st, 1901 and the time in which applicants may file brief or argument in reply, to May 15th, 1901.

Yours truly,

Acting Chairman.

7 D-443

Muskogee, Indian Territory, April 17, 1901.

Messrs. Potter & Potter,
Attorneys at Law,
Gainesville, Texas,

Gentlemen:-

Receipt is hereby acknowledged of your letter of March 18, 1901, relative to the enrollment of Florence Keith, in which it is stated that you have always understood the law to be that a male member of the Choctaw Tribe of Indians could confer citizenship upon a non-citizen by intermarriage, without reference to what law the marriage was celebrated under.

You state, further, that you inferred from the letter of the Commission that there was no objection to the marriage other than it was not celebrated according to the laws of the Choctaw Nation.

Referring to the letter from the Commission, under date of February 23, 1901, in which it was stated--

"No specific objection has been filed by the Choctaw Nation, through its attorneys, to the enrollment of this applicant and the time for the submission of written arguments or briefs on behalf of the Choctaw Nation, in these protested enrollment cases, has been extended to April 1st, 1901, and the time in which applicants may file brief or argument, in reply, to May 1st, 1901";-

You are informed that since writing the above letter, the time limit for filing brief and argument by either the attorneys of the Choctaw Nation, or the applicants, has been extended indefinitely.

You request to be advised of the final action of the Com-

Petter & Petter-----2

mission in the case, and, in the event of rejection by the Commission, you desire to have the records sent up to the Secretary of the Interior, in order that the case may be reviewed by him.

You are informed that when a decision is rendered in this case by the Commission, a copy of the same, stating in full the reasons for any action which may be taken by the Commission, will be mailed to you.

Yours truly,

Acting Chairman.

7-D-443

MEMORANDA.

(Date) Sept 6 1899.

Name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Wife's name, Florence Keith

Choctaw? yes County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship us

Intermarried citizen? yes

Married under what law? Tex

License filed this day yes

Names of children:

.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.

As to minor, see section.

John S. Price

5443

Husband, John S. Keith, admitted
by Nat. Indian - records in Chick
Nation, married in Texas, ~~married~~

CHOCTAW

II 444

Phoebe C. Staton

Record transferred to
Choctaw card #5710.

CHOCTAW P 445

Charles Smith

Record transferred to

CHOCTAW # 4809.

Michael H. Gleason.

Record transferred to
Choctaw card #5669

CHOCTAW D 442

Evelina Hendrix.

*Record transferred to
Choctaw card # 4616.*

Choc D448 Mary A. Mitchell

Dismissed May 23/1904

D448

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment
as an intermarried citizen of the Choctaw Nation of:

Mary A. Mitchell,

7-D-448.

-----o-----

Department of the Interior,

Commissioner of the General Land Office
Steno-graphic notes
transcript is a true and correct translation of
my stenographic notes

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the enrollment of Mary A. Mitchell as an intermarried Choctaw; William C. Mitchell being sworn and examined by Com'r McKennon testifies as follows:

- Q What is your name? A William C. Mitchell.
- Q How old are you? A Fifty-nine.
- Q You present here a marriage certificate dated July 12th, 1899, for a marriage to Mary A. Mitchell, were you ever married to her before? A Yes sir.
- Q When? A The 1st day of July, 1868.
- Q Where? A In Sebastian County, Arkansas.
- Q Under the laws of Arkansas? A Yes sir.
- Q Were you separated or divorced from her? A Never was.
- Q This is a second marriage? A Yes sir.
- Q You were admitted by the United States Court at South McAlester on the 5th day of September 1897, case #104? A Yes sir.
- Q You didn't obtain a license under the United States Court here? A No sir.
- Q You just simply went before a minister and married? A Yes; I was informed that that was according to Choctaw laws.
- Q That is all that was done in your case here? A Yes sir.
-

William C. Mitchell, being re-called, states:

Examined by Judge Shackelford:

- Q Before you were admitted here didn't you make application to the Cherokee authorities for admission there? A No sir.
- Q Never did? A No sir, I had a brother that did, but I never did.
- Q Didn't you all claim to be Cherokees? A I never did.
-

1848

Marriage Certificate

John B. Mitchell

To

Miss Mary Mitchell

W. A. TREADWELL,

• MISSIONARY. •

South McAlester, Ind. Ter.

July 12th 1899

This is to certify that I W. A. Treadwell a
minister of the gospel, did, on the
twelfth day of July eighteen hundred
and ninety-nine, in the town of South
McAlester, Choctaw Nation Indian Ter-
ritory, join together in holy matrimony
Mr William C. Mitchell a Choctaw by blood
and Mrs Mary A. Mitchell

My examination and recorded
in the clerk's office of the central
district of the Choctaw Nation in
Book A. Page 144.

W. A. Treadwell

Filed in my office for record and
July recorded in Book D. page
247. of Jobuckey County Court
Records This 1st day of Sept 1899.

H. H. McClure
Clerk of Jobuckey County
Choctaw Nation

7-D-448.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Mary A. Mitchell for enrollment as a citizen by intermarriage of the Choctaw Nation.

-----o-----

The applicant, Mary A. Mitchell, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one William C. Mitchell. The right of the applicant's husband, William C. Mitchell, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of March 28, 1904, in case No. 57, upon the South McAlester docket of said court, it is hereby ordered that the application of Mary A. Mitchell for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

Chectaw D-448

COPY!

Muskogee Indian Territory June 8, 1904.

Mary A. Mitchell,

South McAlester, Indian Territory.

Dear Madam:-

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27 1904, dismissing your application for enrollment as a citizen by intermarriage of the Chectaw Nation.

Respectfully,

SIGNED

Jame Bixby.

Chairman

Registered

Incl. 7-D-448

Choctaw B-448

COPY.

Maskokee Indian Territory, June 8, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:-

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application of Mary A. Mitchell for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman

Registered

Incl. 7-D-448

(See Choctaw R.650 for registry receipt for this letter.)

MEMORANDA.

(Date) Sept 17 1899.

Name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name, Mary Ann

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship 115

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

T. L. L.

Choc D449 Myrtle Mitchell

Dismissed May 13, 1904

See Choc card 2411

D449

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment
as an intermarried citizen of the Choctaw Nation of:

MYRTLE MITCHELL ----- 7-D-449.

-----o-----
-----o-----
-----o-----
-o-
o

McAlester I.T.

Aug 27 1899

This is to Certify That I have joined
in lawful Westbrook Sanford Mitchell
a Citizen of the Choctaw Nation and
Miss Myrtle Springstun a citizen of
the United States, according to
the laws, Customs, and usages
of the Choctaw Nation This the
27 day of Aug. A.D. 1899.

P.A. Gayle

Mayor of McAlester I.T.

my Credentials are recorded in
Book 26 Page 245 in the United
States Court at McAlester I.T.

Witness

Mrs P.A. Gayle
Mrs S.B. Penn

Filed in my office for record
and duly recorded in Book W.
Page 251. of Tobacco County
Court records This 4th day of
September 1899

A.W. McClure

County and probate clerk of
Tobacco County, Ok.

7-D-449.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Myrtle Mitchell for enrollment as a citizen by intermarriage of the Choctaw Nation.

-----o-----

The applicant, Myrtle Mitchell, nee Springston, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one Sanford B. Mitchell. The right of the applicant's husband, Sanford B. Mitchell, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of March 28, 1904, in case No. 57, upon the South McAlester docket of said court, it is hereby ordered that the application of Myrtle Mitchell for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.

Muskogee, Indian Territory,

MAY 1 1904

Choctaw D-449

Muskogee, Indian Territory, May 13, 1904.

Myrtle Mitchell,

South McAlester, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 13, 1904, dismissing your application for enrollment as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

(SIGNED)

John B. B. B.

Chairman.

Registered.

Incl. 7-D-449.

Chectaw D-449

COPY.

Muskogee, Indian Territory, May 13, 1904.

P. S. Lester,

Attorney at Law,

South McAlester, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 13, 1904, dismissing the application of Myrtle Mitchell for enrollment as a citizen by intermarriage of the Chectaw Nation.

Respectfully,

(SIGNED)

Tamc Bixby.

Chairman.

Registered.

Incl. 7-D-449.

Choctaw D-449

COPY.

Muskogee, Indian Territory, May 13, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

Inclosed herewith you will find a copy of the order of
this Commission, dated May 13, 1904, dismissing the application
of Myrtle Mitchell for enrollment as a citizen by intermarriage
of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Incl. 7-D-449.

Muscogee, Indian Territory,

August 18th, 1900.

Myrtle Mitchell,

South McAlester, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 13rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-449.

Muskogee, Indian Territory, September 18, 1900.

Myrtle Mitchell,

South McAlester, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The objection raised, is the insufficiency of your marriage according to the Choctaw Laws.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Attling Chairman.

Muskogee, Indian Territory, November 2, 1900.

P. S. Lester,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 31st of October enclosing the application for enrollment as a citizen of the Choctaw Nation of William Briant Mitchell, the infant son of Sanford B. and Myrtle Mitchell, born July 17th, 1900, and the same being in proper form has been duly filed with the records of this Commission as sufficient evidence of the birth of this child.

Yours truly,

Acting Chairman

MEMORANDA.

(Date) Sept 7 1899.

Name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

19 ¹⁹ Wife's name, Myrtle Mitchell

Choctaw? yes County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day yes

Names of children:

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

*married by Mayor of M. ... - see
if legal ... by N.E.C.
S.B. Mitchell*

5449

Choc D450 Belle Mitchell
Dismissed May 13, 1904

D450

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment
as an intermarried citizen of the Choctaw Nation of:

BELLE MITCHELL ----- 7-D-450.

-----o-----
-----o-----
-----o-----
-----o-----
-----o-----
o

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-450.

Muskogee, Indian Territory, March 3, 1902.

Belle Mitchell,

South McAlester, Indian Territory.

You are hereby notified that the application of yourself
for enrollment as a citizen of the Choctaw Nation will be taken
up for final consideration by the Commission to the Five Civil-
ized Tribes, at its office in Muskogee, Indian Territory, on
the 11th day of April, 1902.

On said date you may, if you desire, appear before the Commis-
sion in person or by attorney when an opportunity will be given
you to introduce any additional testimony affecting said appli-
cation which you may think proper or necessary.

You are further notified that the representatives of the
Choctaw Nation will also, at the same time, be afforded an op-
portunity to introduce testimony affecting your right to en-
rollment, but said representatives will be required to notify
you of their intention to introduce such testimony before they
will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Belle Mitchell for enrollment as an
intermarried citizen of the Choctaw
Nation.

--D 450--

On the 3rd day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw nations were notified by registered mail; that the application of Belle Mitchell for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 11th day of April, 1902, for final consideration.

Now, on this 11th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant appeared in person, whereupon the following proceedings were had:

Belle Mitchell, the applicant, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Belle Mitchell.
Q What is your age at this time? A Thirty years old.
Q What was your father's name? A John Wilson.
Q Any middle name? A No sir.
Q Was he a white man? A Yes sir.
Q What was your mother's name? A Annie Wilson.
Q She was a white person? A Yes sir.
Q What is your present post office address? A South McAlester, Indian Territory.
Q Are your father and mother both living? A My mother is--my father is not.
Q You claim as an intermarried citizen? A Yes sir.
Q What is your husband's name? A Sam Mitchell.
Q How old is he? A Thirty three.
Q Is he a citizen of the Choctaw Nation? A Yes sir.
Q How long have you been living there? at South McAlester? A I have been living there twelve years.
Q Have you lived there all that time? A Yes sir.
Q Never have been outside of the territory to live within the last four years? A No sir, I have been living there for the last twelve or thirteen years.
Q When were you and your husband married? A In 1895 on the 22nd day of March,--I mean to say the 22nd day of May, 1895.
Q Under what law were you married? A Under United States law the first time and then we remarried under Choctaw law.
Q Your husband was admitted by the United States Court in 1896? A Yes sir.

Belle Mitchell----2

Q He had not been recognized as a Choctaw before that? A No sir.

Q Have you your marriage certificate with you? A I have my first marriage license, but when I was remarried I have nothing to show for that at all; I never got no certificate

Q Who married you the second time? A Mr Treadwell, the Baptist minister at South McAlester.

Q Where is he now? A He is at South McAlester.

Q Could you get a certificate from him? A I went to him and he said it was all on record here and it would not be worth while.

Applicant offers in evidence married license issued by the Clerk of the United States Court, Central District, Indian Territory together with certificate of marriage.

Applicant asks for five days time in which to furnish certificate of second marriage, which is granted.

Reference is made to Choctaw Roll Card No.4635 where the husband of this applicant and their children appear as listed for enrollment.

Q Is there any other statement that you desire to make at this time? A No sir, I don't believe there is.

By the Commission:

This case will be considered by the Commission upon the evidence and record as now made up.

---C---

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 11th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 12th day of April, 1902.

Charles Mitchell

Notary Public.

645

8 450

Certificate of Record of Marriages.

UNITED STATES OF AMERICA, }
THE INDIAN TERRITORY, } SCT
CENTRAL DISTRICT.

I, P. B. STONER, Clerk of the United
States Court in the Indian Territory and
District aforesaid.

DO HEREBY CERTIFY that the license for,
and certifice of the Marriage of

Mr. _____ and

M _____

were filled in my office in said Territory and District
the _____ day of _____ A. D. 189 _____
and duly recorded in Book _____ of marriage
Records page _____

WITNESS my hand and seal of said Court, at
this _____
day of _____ A. D. 189 _____

P. B. STONER, Clerk.

By _____ Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 11 1902

ACTING CHAIRMAN.

ACTING CHAIRMAN.

INDIAN TERRITORY,
CENTRAL DISTRICT)

I hereby certify that this instrument
was filed for record in my office at
Oklahoma City, M _____ 189 _____
and is duly recorded in Book _____
Page 113

P. B. Stoner Clerk.

By _____ Deputy.

No. 1

MARRIAGE LICENSE

United States of America,)

INDIAN TERRITORY,)

SS.

CENTRAL DISTRICT.

You are hereby Commanded to solemnize the Rite and publish the Banns of Matrimony between
Mr. Sam Mitchell of *S. M. Chester*
 in the Indian Territory, aged *25* years and
Miss Belle Nelson of *S. M. Chester*
 in the Indian Territory, aged *22* years,
 according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official Seal this *22* day

May

A. D. 1895

O. C. McKinney
 DEPUTY.

J. B. Storer
 CLERK OF THE U. S. COURT

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY,)

SS.

CENTRAL DISTRICT.

DO HEREBY CERTIFY, that on the *(22)* twenty second day of *May*
 A. D. 1895, I did duly and according to law, as
 commanded in the foregoing License, solemnize the Rite and publish the
 Banns of Matrimony between the parties therein named.

WITNESS my hand this *28* day of *May* A. D. 1895

My credentials are recorded in the office of the Clerk of the UNITED STATES
 Court, in the Indian Territory, Central District, Book *A* page *21*

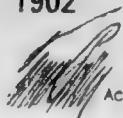
J. H. Williams
 a

NOTE: This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars \$100

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 21 1902



ACTING CHAIRMAN.

OFFICE OF
W. A. TREADWELL

CITY ASSESSOR
AND COLLECTOR

SOUTH McALESTER, I. T. Apr 15th 1902

This is to certify that J. W. A. Treadwell a
Minister of the gospel did solemnize the
rights of matrimony between Mr Sam
Mitchell a citizen of the Choctaw
Nation and Miss Belle Wilson a citizen
of the United States, some time near
the fifteenth day of Sept. 1899 in South
McAlester I. T. according to the Choctaw
law, by the request of her Melvin
Cornish who was at that time acting
as their attorney. And gave to him
a certificate of their marriage; for
which he paid me \$2.50

W. A. Treadwell

Deas
7-D-450.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:-----

In the matter of the application of Belle Mitchell for
enrollment as a citizen by intermarriage of the Choctaw Nation.

-----o-----

The applicant, Belle Mitchell, nee Wilson, claims her
right to enrollment as a citizen by intermarriage of the Choctaw
Nation by reason of her marriage to one Samuel Mitchell. The
right of the applicant's husband, Samuel Mitchell, to citizenship
in the Choctaw Nation having been adversely determined by a decree
of the Choctaw and Chickasaw Citizenship Court, of March 28, 1904,
in case No. 57, upon the South McAlester docket of said court, it
is hereby ordered that the application of Belle Mitchell for en-
rollment as a citizen by intermarriage of the Choctaw Nation be
dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.

Muskogee, Indian Territory,

MAY 13 1904

Chectaw D-450
COPY:

Muskogee, Indian Territory, May 13, 1904.

Belle Mitchell,

South McAlester, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 13, 1904, dismissing your application for enrollment as a citizen of the Chectaw Nation by intermarriage.

Respectfully,
(SIGNED)

James Bixby.

Chairman.

Registered.

Incl. 7-D-450.

Choctaw D-450.

COPY!

Muskogee, Indian Territory, May 13, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated May 13, 1904, dismissing the application of Belle Mitchell for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,
(SIGNED)

Jams Bixby.

Chairman.

Incl. 7-D-450.

Chectaw D 450

Muskogee, Indian Territory, April 21, 1902.

Belle Mitchell,

South McAlester, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the certificate of
W. A. Readwell as to the marriage of Sam Mitchell, a citizen of
the Chectaw Nation and Bell Wilson, a citizen of the United States,
at South McAlester, Indian Territory, on September 15, 1899, and
the same has this day been filed with and made a part of your
application for enrollment as an intermarried citizen of the
Chectaw Nation.

Yours truly,

Acting Chairman.

CHOCTAW

Maxie Asker.

Record transferred to

CHOCTAW #5860

CHOCTAW D 45

Arkansas Askeu.

Record transferred to
CHOCTAW # 5861

CHOCTAW D 458

Martha H. Brashears

Record transferred to
CHOCTAW #5862.

D. 454

Reverdy J. Gordon.

Recd Transferred to
Choctaw card # 3163

CHOCTAW

Martha A. Edwards

Transferred to Choctaw

#5892 FEB 1 1905

SHOOTAW.

D. 456

Hiram C. Reynolds.

Record transferred to
Shootaw card #4625

CHASTAW.

D. 452

Charles W. Floyd.

Record transferred to
Chastaw card #5685.

CHOCTAW D458
George F. Bolling.

*Record transferred to
Choctaw card # 4095.*

CHOCTAW

Raywood P. Gordon

GRANTED.

and transferred
to Choctaw 5938.

MAY 15 1905

CHOCTAW D 460

Jasper N. Freeman.

*Record transferred to
Choctaw card # 4651*

Choc 0461 Johnathan K. Dobbs

Dismissed OCT 25, 1904

0461

7-D-461

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the
enrollment as a citizen by intermarriage of the Choctaw Nation
of:

Johnathan K. Dobbs.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

AILEIGH L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN REPLY TO THE FOLLOWING

Choctaw D-461.

Muskogee, Indian Territory. March 4, 1902.

Johnathan K. Dobbs,

McAlester, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 11th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Johnathan K. Dobbs for enrollment as
an intermarried citizen of the Choctaw Nation.

--- D 461 ---

On the third day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Johnathan K. Dobbs for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 11th day of April, 1902, for final consideration.

Now, on this 11th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant appeared in person, whereupon the following proceedings were had:

Johnathan K. Dobbs, the applicant, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Johnathan K. Dobbs.
Q What is your post office address? A McAlester, Indian Territory.
Q What is your age? A Thirty eight.
Q What is your father's name? A Johnathan K. Dobbs.
Q Not Citizen or Choctaw? A Non citizen.
Q What is your mother's name? A Elizabeth Dobbs.
Q None citizen or Choctaw? A None citizen.
Q Are they living or dead? A My father is dead, my mother is living.
Q You claim as an intermarried citizen? A Yes sir.
Q Are you the same Johnathan K. Dobbs who appeared before the Commission in 1899 and gave in your age at that time as thirty seven? A Yes sir, I was born in 1864.
Q Then the entry made as to your age being thirty seven in 1899 was an error? A Yes sir.
Q What is your wife's name? A Amanda Magnolia Dobbs.
Q What is her father's name? A William Mitchell.
Q Any middle name? A Not that I know of.
Q What is her mother's name? A Mary Mitchell.
Q Are they living? A Yes sir.
Q Where do you live? A At McAlester.
Q How long has your wife been living at McAlester? A We have lived there about thirteen years.
Q Have you been living therethirteen years? A Yes sir.
Q You have not lived outside of the territory within the last four years? A No sir.
Q Is your wife a recognized citizen of the Choctaw Nation? A Yes sir.
Q Was she admitted by judgment of the United States Court? A Yes sir.
Q Up until the time of the rendition of that judgment she had never been recognized by the tribal authorities of the Choctaw Nation? A No

Johnathan K. Dobbs----2

Sir.

Q When were you married to your wife the first time? A I believe in 1889, December 25.

Q You afterwards remarried under the Choctaw law? A Yes sir.

Q In 1899? A Yes sir.

(Choctaw license dated 2nd day of August, 1899, issued by the Clerk of Tobucksey County, Choctaw Nation, is on file with the Commission in this case)

(Reference is made to Choctaw roll card No. 4652 whereon the name of the wife of this applicant and their minor child, Mary E. Dobbs appear as listed for enrollment by the Commission.)

Q You have one child, have you? A I have four.

Q Give their names? A The oldest is Joe Eda.

Q When was she born? A She was ten years old last June.

Q What is the next one? A J. Burton.

Q How old? A Eight years old.

Q What is the next one? A Felix Fay.

Q How old? A Six.

Q These three children were all living at the time your wife made her application in 1896 to the Commission? A Yes sir.

Q They were not included in the original application? A No sir, they were left of the case by mistake.

Q Your fourth child how old is it? A Two years old.

Q What is its name? A Mary Elizabeth.

Q Is there any other statement that you desire to make? A No sir, the reason I remarried was to get the benefits of the law and the rights of the country. At the time I first married my wife was not recognized as a citizen.

Q When you took out this Choctaw license you paid their regular fee? A Yes sir, one hundred dollars and had ten citizens of the Choctaw Nation to sign a petition.

By the Commission:

This case will be considered by the Commission upon the evidence and record as now made up.

-----o-----

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 11th day of April 1902 and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 12th day of April, 1902.

Harry C Risteen
Clarence Mitchell Wood
Notary Public.

72461-

Filed in my office for
record at 3 P.M. and
duly recorded in Book
D. Page 241 of Tobacco
County Court records of
the Choctaw Nation
This 12th day of August
A.D. 1899.

A. N. W. Clark
Clk of Tobacco
County Choctaw Nation

I do solemnly Swear that I will honor
defend and submit to the Constitution and laws
of the Choctaw Nation and will neither claim
nor seek from the United States Government
or from the Judicial tribunals thereof any
protection privilege or redress incompatible
with the same as guaranteed to the
Choctaw Nation by the Treaty stipulations
Entered into between them So help me God.
J. E. Dobb

Sworn and Subscribed to before me
This 2^d day of August 1899.

A. M. McClure
Clerk of Tobacco Co. & Co.

Marriage License.

THE CHOCTAW NATION.

Indian Territory.

SS.

TOBUCKSY COUNTY.

To any Minister of the Gospel, Judge or any person in the Choctaw Nation authorized to solemnize the rites of matrimony.

GREETING:

Whereas,

J. K. Dobbs a citizen of the United States, has duly made application to the undersigned, Clerk of the County and Probate Court, within and for the County of Tobucksy, Choctaw Nation, for a license to enter into the Bonds of Matrimony with *Amanda Dobbs (nee) Mitchell* a citizen of the Choctaw Nation. And the undersigned being satisfied that the said *J. K. Dobbs* is a suitable person

to be granted license to enter into the Bonds of Matrimony with the said *Amanda Dobbs (nee) Mitchell*

Now, I therefore grant unto the *J. K. Dobbs* a license to marry the said *Amanda Dobbs (nee) Mitchell*. And any Minister of the Gospel, Judge or any person authorized to solemnize the rites of Matrimony, is hereby authorized to join in Matrimony the said *J. K. Dobbs* and the said *Amanda Dobbs (nee) Mitchell*

In testimony whereof I, *W. H. McClure* County and Probate Clerk, in and for the County of Tobucksy, Choctaw Nation, have hereunto set my hand and seal of said Court, this *2nd* day of *August*

A. D. 1899

W. H. McClure Clerk.

By *D. C.* of Tobucksy County, C. N.

CERTIFICATE OF MARRIAGE.

CHOCTAW NATION,
Tobucksy County.

do hereby certify, that on the *3*

I, *P. A. Gayle*
A. Mayor of *McAlester, I. T.*
day of *August* A. D. 1899

I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Bonds of Matrimony between the parties therein named

Witness my hand this *3* day of *August* A. D. 1899.

My credentials are recorded in the office of the Clerk of the Court *South McAlester* Hask *U. S. C.*

P. A. Gayle
Mayor of *McAlester, I. T.*

Case
9610

W-1-461.

OFFICE OF THE COMMISSIONER OF THE
COMMISSION OF THE CHOCTAW NATION.

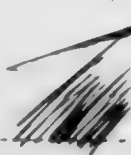
In the matter of the application of Johnathan W. Dobbs
for enrollment as a citizen by intermarriage of the Choctaw
Nation.

--: DECISION :

The applicant, Johnathan W. Dobbs claims the right
to enrollment as a citizen by intermarriage of the Choctaw
Nation by virtue of his marriage to one Amanda W. Dobbs.

The right of the applicants wife, Amanda W. Dobbs,
to citizenship in the Choctaw Nation having been adversely
determined by a decree of the Choctaw and Chickasaw Citizen-
ship Court, March 28, 1904, in case number 57 on the South
cAlesterocket of said Court, it is hereby ordered that the
application of Johnathan W. Dobbs for enrollment as a citizen
by intermarriage of the Choctaw Nation be dismissed.

COMMISSIONER OF THE CHOCTAW NATION.



Witness my hand.

Attest, Special Agent,

Commissioner of the Choctaw Nation.

COPY.

7-D-461

Muskogee, Indian Territory, October 25, 1904.

Johnathan K. Dobbs,

McAlester, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated October 25, 1904, dismissing your application for enrollment as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Lamm B. B. B.

Chairman.

Registered.

Incl. 7-D-461.

COPY.

7-D-461

Muskogee, Indian Territory, October 23, 1904.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated October 23, 1904, dismissing the application for the enrollment of Johnathan K. Dobbs as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Tamc Dixby

Chairman.

Incl. 7-D-461.

Muscogee, Indian Territory,

August 18th, 1900.

Johnathan . Dobbs,

McAlester, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurphy, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-461.

Waskogie, Indian Territory, September 18, 1900.

Jonathan K. Debbs,

McAlester, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised is to your right to enrollment under your second marriage.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Ateka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

D. 4

Eveline Simpson et al.

Eveline Simpson record trans-
ferred to Choctaw card
1760

May Simpson died prior to
Sept. 25, 1902.

CHOCTAW.

D

463

Elizabeth Goodall et al.

No. 1 is a duplicate of No. 2

on CHOCTAW. # 4958.

CHOCTAW.

D 464

Pattie L. Gordall

*Record transferred to
Choctaw #4957*

JAN 18 1905

D465

265

Serena Barnes.

Record transferred to
Choctaw card #5768.

Choc D466 Clarke A. Strand

Dismissed May 13, 1904

D466

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

Record in the matter of the application for enrollment
as an intermarried citizen of the Choctaw Nation of:

CHARLES A. STROUD ----- 7-D-466.

-----0-----

Commission to the Five Civilized Tribes,
South McAlester, Indian Ter.

In the enrollment of Charles A. Stroud as an intermarried Choctaw; being sworn and examined by Com'r McKennon he states:

- Q What is your name? A Charles A. Stroud.
- Q How old are you? A Sixty-two.
- Q You present here a license issued by the Clerk of Tobueksy County, Choctaw Nation, dated September 7th 1899, to marry Frances L. Stroud, - were you married to her before? A Yes sir.
- Q When? A In 1861.
- Q Where? A In LaFayette County, Arkansas.
- Q Were you separated or divorced from her? A No sir.
- Q Then this is a second marriage? A Yes sir.
- Q Did you make affidavit before the Clerk when you got this license that you didn't have a living wife? A No sir.
- Q Was she admitted by the United States court? A Yes sir.
- Q Judgment rendered September 8th 1897, case #90? A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to the named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

267
7-D-466.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Charles A.
Stroud for enrollment as a citizen by intermarriage of the Choctaw
Nation.

-----o-----

The applicant, Charles A. Stroud, claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage to one Frances L. Stroud. The right of the applicant's wife, Frances L. Stroud, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of February 2, 1904, in case No. 48, upon the South McAlester docket of said court, it is hereby ordered that the application of Charles A. Stroud for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.

Muskogee, Indian Territory,

MAY 13 1904

Chootaw D-466

COPY.

Muskogee, Indian Territory, May 13, 1904.

Charles A. Stroud,

Alderson, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 13, 1904, dismissing your application for enrollment as a citizen by inter-marriage of the Chootaw Nation.

Respectfully,

(SIGNED)

Tamc Bixby.

Chairman.

Registered.

Incl. 7-D-466.

Chectaw D-466

COPY.

Muskogee, Indian Territory, May 13, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Chectaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated May 13, 1904, dismissing the application of Charles A. Stroud for enrollment as a citizen by intermarriage of the Chectaw Nation.

Respectfully,

(SIGNED)

Jams Bixby.
Chairman.

Incl. 7-D-466.

4-10-91
Charles A. Stroud being duly sworn states:

My name is Charles A. Stroud

I am 64 years old. I am a white man. I was born and principally raised in the state of Georgia. I came to Arkansas about the year 1858. In the fall of the same year, I became acquainted with Francis L. Butler. She had just come from the Choctaw nation, Indian Territory, with her mother and family. She was about fifteen years old when I got acquainted with her. I was married to her about the year 1864, and we have lived together as husband and wife every since.

There now living, born the issue of said marriage four children, to wit: Nancey E. Greer, nee Stroud, age 28. She has been living in the Indian Territory for about twenty years last past. She was living in the Choctaw nation, Indian Territory at the time she with my wife and other children made application to the "Dawes" Commission about the month of August, 1896, for citizenship in the Choctaw nation. She is now temporarily absent from the Choctaw nation, having gone to the state of Arkansas with her husband some month or two ago, where he went to wind up an estate. We are looking for them back now. I know that they went away only temporarily, and that they intend to return and make the Choctaw nation their permanent home. That is, that I know that they have not abandoned their home here in the Choctaw nation.

The next is James W. Stroud, a son, age 26 years, and resides at Harts-
herne, Choctaw nation. He was born in the Chickasaw nation, and has
been raised in the Choctaw and Chickasaw ~~nations all his life~~ and
has lived here all his life, having only been absent from the same
for a short time. My next is a son John S. Stroud, age 21 years, who
was born in the Chickasaw nation and has lived in the Choctaw and Chick-
asaw nations all his life. He is now residing with me and his said
mother, in the Choctaw nation, in Tubucksey county, near Alderson,
I.T. My next is a son Isaac M. Stroud, age 16 years. He was born
while we were on a visit in Arkansas where we went to attend to some
business. He has also been raised in the Choctaw nation, and now
resides with me and his mother near Alderson, Choctaw/nation.

My daughter Nancy E. Greer was lawfully married to a white man by
the name of J.P. Greer about the year, ~~1877~~ 1879, and have ever since
and now are living together as husband and wife. They have had born to
them the issue of said marriage five children to wit: Arthur Greer age
14 years; Walter Greer age 12 years; Otis Greer age 10 year; Charles
Greer age 7 years, and Virgil Greer age 3 years; all of whom now live
and reside with their said parents, and whose home is in the Choctaw
nation.

All of my said children and said grand children have been
raised in the Choctaw and Chickasaw nations, and have claimed their
rights all along to be Choctaw Indians by blood, and a lineal descendent
of one Andrew or Anderson Butler who was a Choctaw citizen ~~at that~~

215 1.3
and who lived in the Choctaw nation until his death.

At the time I was married to the said Francis L. Stroyd, nee Butler, she claimed to have land and improvements and ponies and cattle and at her father's death he left her this property and \$10000 in money which was to be for educating his children. Her mother, however had used the money to cloth and feed herself and children.

She claimed that her father was a Choctaw Indian by blood, but had resided in the Choctaw and Chickasaw nation most all her life. Soon after we were married we moved back to the Chickasaw nation, in Kiner Prairie, in Pickens county. We moved there some time in the year 1865. My wife had only left the nation temporarily with her mother, who had gone to the state to see some of her people.

She has been recognized by the Choctaw and Chickasaw nations as a Choctaw Indian every since I have been married to her, or rather since we move to the nation, and she has enjoyed all the privileges as such except the right to be put on the roll and draw money. She and the children have not been required to pay permits, have had and put in places, and now have a place near Alderson where I now live. They have been living here in good faith by reason of there having Choctaw blood, and expect to live here permanently.

My wife had two uncles, brothers to her father. One was named Felix Butler, and enjoyed all the rights, privileges and immunities of Choctaw citizens, and was duly recognized as such, so I have always been informed. Felix died near Tuskahouma, I.T. so, I learned about

See 15 215

C.A.S. 7-15-'97.

Olasachubba being duly sworn states:

I live in Tobucksey county Choctaw nation, Indian Territory, and near Kiowa, I.T. I am about 78 years old. I am a full blood Choctaw Indian and have lived among the Choctaws all my life. I was born in the state of Mississippi. I came west with the band of Choctaws when they left that country, and came and settled here, and I think about the year 1833 or '35. (I know Frances L. Stroud, the applicant in this case, and have know her for about 4 or 6 years. I got acquainted with her in Tobucksey county, C.N. From her looks, I would judge her to be about one fourth Choctaw blood.) I knew two of the Butlers, William and Andy, I got acquainted with them during the war. They were members of the same company that I was. All who were in that company were Choctaws. No others were in it. They were half breed Choctaws, and I think they were brothers. I have not seen them since they war, and do not know if they are living. They were in the same regiment as I was, but in a different company. That is what I meant to say.

From what I know of the Butlers, and from what I know of Frances L. Stroud, I believe her to be the daughter of Andy Butler. She has ~~been~~ claimed to be a Choctaw every since I first knew her. I have been to see her several times, and I believe her to be a Choctaw woman.

Witness:

M. M. Wynnham

Olasachubba
His mark

John S. Stroud being duly sworn states:

My name is John S. Stroud. I am 22 years of age. I was born in the Chickasaw nation, and have been raised in that and the Choctaw nation. I am a son of C.A. Stroud and Francis L. Stroud. The same Francis L. Stroud who is an applicant for citizenship in the Choctaw nation. I claim to be Choctaw and Chickasaw Indian, and white blood. I am now living on a place of my own in the Choctaw nation, near Alderson, Indian Territory, in good faith as a Choctaw citizen, seeking to establish my right as such. I had I never heard any one say how much Choctaw blood and do not know how much I claim. I have heard my mother say that her father was half breed I claim to have Choctaw blood in me, and get it from my mothers side I am a single and unmarried man. I have known no other home except in the Choctaw and Chickasaw nations.

Crossed by Jas. Gordon.

I have never voted in the Choctaw elections. They have tried to get me to go and vote, though, but I would not do it. I have never improved a place of my own in the Choctaw nation. I have ~~had~~ enjoyed the rights of a Choctaw citizen by holding cattle and horses without having to pay a permit. I have not enjoyed any other privileges except living here. My understanding is that my grandfather was both a Choctaw and Chickasaw by blood. My mother was also Choctaw and Chickasaw, as I understand. I do not know how much Choctaw or how much Chickasaw blood I had. It is my understanding that my mother was born and partly raised in the Chickasaw nation.

J.S.S.

It is my understanding that my mother had a right in the Chickasaw nation. When my mother was a little girl she left the Chickasaw nation and went to the states. I understood that she went to Louisiana. I do not know how long she staid there. I was a small boy when my folks moved to the Choctaw nation.

Re-direct.

I think my mother claimed a blood right in the Chickasaw nation. I have claimed a blood right in the Choctaw nation, and have had the choctaw authorities to try to get me to vote.

John S. Stroed,

G.A.Stroud, 7-15-'97.

Wesley McKinney being duly sworn states:

My name is Wesley McKinney,

I am about fifty years of age. I do not know my age exactly. I was a plow boy before the war. The Choctaw nation has always been my home, and I now reside near Alderson, I.T.

I am a Choctaw freedman. I know Mrs. Francis L. Stroud, and ~~several~~ ~~children~~ and some of her children. I time of the war I went down on Red River. While in Red River county, Choctaw nation, I got acquainted with Andy Butler. He was a Choctaw Indian, and appeared to be a half breed. He lived in the Chickasaw nation near the line of the Choctaw nation. He was a citizen of the Choctaw nation. I do not remember of having seen him since the war. He looked to be up in years in age. He had a wife. I do not remember Mrs. Stroud, but from her talk, I think he must have been her father. From her looks I take her to be a fourth blood Choctaw. I have lived with the Choctaws most all my life, and am acquainted with their looks and peculiarities. I was owned by a Choctaw Indian myself. Every since I have known her, Mrs. Stroud has claimed to be a Choctaw Indian woman. I have been acting as deputy sheriff and have been collecting permits, having been duly authorized by the Choctaw authorities to collect permits, but have never collected any from any of the applicants in this case, and have never known them to pay or even to be asked to pay permits. My best judgment is that she and her children are Choctaws by blood and that

H 50 C. 1.

R. L. H. H. H.

Robert H. H. H.

Deputy H. H. H.

I am not interested in the result of the same.

I am not interested in the result of the same.

I am not interested in the result of the same.

I am not interested in the result of the same.

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I am not interested in the result of the same.

I am not interested in the result of the same.

I am not interested in the result of the same.

they are living in the Choctaw nation in good faith seeking to establish their right in the Choctaw nation.

I heard of Felix and William Butler, and understood that they were brothers to Andy Butler. I did not know them personally, but understood that they lived farther up in the Chickasaw nation than Andy Butler.

~~*****~~ I am not sure whether Andy Butler was named Andy or Anderson. It was one or the other.

I am not related to any of the parties ~~to~~ to this suit by blood or marriage, and have no interest in the result of the ~~suit~~.

Wesley McKenney

90

FILED.

At..... O'clock M. J

JUL 24 1897

By *W. H. Quinn* Clerk.

CERTIFICATE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
CENTRAL DISTRICT.

I, M. W. Wunningham

a Notary Public within and for the Central Dis-

trict, Indian Territory, do certify that the foregoing depositions of Francis L. Strand, Charles Strand

Charles H. Strand, John L. Strand

and

Wesley McKinney

were taken before

me and were read to and subscribed by each of them in my presence, at the time and in the action mentioned

in the caption, the said Francis L. Strand, Charles Strand, Charles H. Strand, John L. Strand and Wesley McKinney,

having first been sworn by me that the evidence each should give in the action, should be the truth, the whole

truth, and nothing but the truth, and their statements reduced to writing by me in their presence, the

plaintiff and defendant by attorney being present at the examination.

Given under my hand and seal this 15 day of July, 1897

M. W. Wunningham

Notary Public.

Francis L. Stone

vs. Report of Master

Charles Nelson

IN THE UNITED STATES COURT FOR THE CENTRAL DISTRICT,
INDIAN TERRITORY, AT SOUTH MO-ALISTER.

Francis L. Stroud, et al.

Plaintiffs.

vs: REPORT OF MASTER IN CHANCERY.

CHOCTAW NATION,

DEFENDANT.

To Hon. W. H. H. Clayton,

Judge of said Court.

I find that the petition for enrollment, as citizens of the Choctaw Nation, Francis L. Stroud and her children and grand-children, to-wit:- Nancy E. Greer nee Stroud, James W., John S., Isaac M. Stroud and Arthur, Walton, Charles, Odie and Virgil Greer and William Stroud, ~~was regularly filed~~ Plaintiffs, in the above entitled cause, was regularly filed before the United States Commission to the Five Civilized Tribes of Indians on the 7th day of September, 1896 and within the time required by law together with evidence in the form of affidavits in support of the same, that the defendant filed their answer thereto on the 7th day of October, 1896 denying the facts set forth in plaintiffs' petition, that on the 8th day of December, 1896 said Commission rendered its decision denying said application of plaintiffs' to be admitted to said enrollment, that the applicants, the plaintiffs, herein, filed and perfected their appeal in this court on the 29th day of January, 1897 and within the time provided by law for appeals in such cases, that defendants filed their answer thereto on the 25th day of February, 1897 denying plaintiffs' said petition.

I also find that plaintiffs were bona fide residents of the Choctaw Nation, Indian Territory, at the time their said application was filed with the said Commission and have been for several years last past residing in the Choctaw Nation and that they are now residents of the said Nation.

I further find that plaintiff, Francis L. Stroud and the above named children and grand-children are the lineal descendants of Andrew Butler who was a Choctaw Indian by blood and was a citizen of the Choctaw Nation and was a member of the Choctaw Indian Tribe, and resided in the Old Choctaw Nation now the state of Mississippi and was recognized as such member at and prior to the ~~treaty with the United States~~ date of the treaty of the United States with said Tribe of Indians and that said Andrew Butler also resided in the Choctaw Nation.

I further find that said Francis L. Stroud was lawfully married to Charles A. Stroud a white man but not according to the laws of the Choctaw Nation.

I further find that Francis L. Stroud, Nancy E. Greer nee Stroud, James W., John S., Isaac M. Stroud and Walton Greer, Arthur Greer, Charles Greer, Otis Greer, Virgil Greer and William Stroud are admixture of white and Choctaw blood only.

All of which is most respectfully submitted,

Read ju \$5.00

J. N. Foster

J. N. Foster
Special Master

United States of America,

INDIAN TERRITORY.

Central DISTRICT.

I, *E. J. Fanner*, Clerk of the District Court of the United States for the *Central* District of the Indian Territory, do hereby certify the foregoing to be a true copy of an order made by said Court on the *9* day of *Sept* 1897, 189 , as appears from the records of said Court now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, at my office in *Amesbury*, in said District, this *11th* day of *March*, A. D. ~~189~~ 190 3

E. J. Fanner, Clerk,

By *J. M. Dodge*, Deputy.

No.

versus

COPY OF ORDER OF COURT.

, Clerk,

, Deputy.

By

7-346

COPY OF ORDER OF COURT.

United States of America,

INDIAN TERRITORY.

Central

DISTRICT.

IN THE UNITED STATES COURT in the Indian Territory, Central District,
 at a term thereof begun and held at South McAlester, in the Indian
 Territory, on the 9th day of September, A. D. 189 7;
 Present, the Honorable W. H. H. Clayton, Judge of said Court.

The following order was made and entered of record, to wit:

Francis L. Stroud, et al.

Vs

Judgment.

Choctaw nation.

The above entitled cause coming on to be heard this the 9th day of September, 1897, upon the report of the Special Master in Chancery, T. N. Foster, esq. and which report is by the court confirmed and approved and exhibits therewith filed, and the plaintiffs and defendants appearing by their respective attorneys, and it appearing by the said Masters report and the evidence filed in this cause that the allegations filed in plaintiffs petition are true, and the court being fully advised in the premises it is therefore by the court, considered, ordered adjudged and decreed that the said plaintiffs, Francis L. Stroud, Nancy E. Green nee Stroud, James W. Stroud, John S. Stroud, Isaac H. Stroud, Arthur Greer, Walton Greer, Charles Greer, Odie Greer, Virgie Greer, and William Stroud be and are hereby admitted to citizenship in the Choctaw Nation and that their names be placed upon the rolls of the Choctaw citizens prepared or to be prepared by the United States Commission to the Five Civilized Tribes of Indians, that said Commission is hereby directed to place the names of the said Francis L. Stroud, Nancy E. Greer, nee Stroud, James W. Stroud, John S. Stroud, Isaac H. Stroud, Arthur Greer, Walton Greer, Charles Greer, Odie Greer, Virgie Greer, and William Stroud upon said rolls and the Clerk of this court is hereby directed to furnish the said Commission with a true and perfect copy of this judgment, decree and order, and that the plaintiffs have and recover of and from the defendant the Choctaw Nation, all their costs herein laid out and expended.

No. 48-M.

=====

Francis L. Stroud, et al,

--VS--

Choctaw and Chickasaw Nations.

=====

Writ of Error.

CITIZENSHIP COURT,
FILED
MAR 14 1903
JAS. B. CASSADA, Clerk,
By.....D. C.

290

See

Horton & Brewer.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT,

South McAlester, I.T.

Francis L. Stroud, et al,

--vs--

The Choctaw and Chickasaw Nations,
or Tribes of Indians, Defendants.

No. 48-M.

To E.J. Fannin, Clerk of
the United States Court, in and for the
Central District of the Indian Territory.

WHEREAS, on the 10th day of March, 1903,
a petition for appeal was filed in this Court by

--Francis L. Stroud, et al,

as Plaintiffs, against the Choctaw and Chickasaw Nations,
as Defendants, AND,

WHEREAS, by the allegations of said petition, it appears that a judgment was rendered in the United States Court, in and for the Central District of the Indian Territory, sitting at South McAlester, adjudging said Plaintiffs, to be citizens, of the Choctaw Nation, the number of said cause in said Court being 90, AND,

WHEREAS, by virtue of Section Thirty One (31), of a certain Act of Congress, "entitled "An Act to Ratify and Confirm an Agreement with the Choctaw and Chickasaw Tribes of Indians, and for other purposes," approved July 1st, 1902, this Court was given jurisdiction over such cases and the transfer to this Court of the papers

files and proceedings therein, was provided for,

You are, therefore, hereby commanded to forward, under your proper certificate and official seal, a copy of said judgment, together with all the papers, files and proceedings therein, with your return of this citation, and this you will do within ten days from this date.

Witness the Honorables Spencer B. Adams, Walter L. Weaver and Henry S. Foote, Judges of the Choctaw and Chickasaw Citizenship Court, on this 10th day of March 1903.

James B. Cassady Clerk.

J. M. Sady

11. The defendant, namely: the Chocoma Nation, is hereby notified to appear, answer and defend against the foregoing complaint, and to show cause why it should not be held responsible for the same.

United States of America,
Central District,
Indian Territory.

In the United States Court,
Central Judicial District,
In the Indian Territory.

Francis D. Stroud and her children and grand-children, to-wit:-
) Nancy E. Greer nec Stroud, James W. Stroud, John S.
) Stroud, Isaac M. Stroud, Arthur Greer, Walter Greer
), Odie Greer, Charles Greer, Virgil Greer and William
) Stroud.

Plaintiffs.

vs: Notice to take Depositions.

Choctaw Nation,

Defendant.

To Green Mc-Curtain, Chief of the Choctaw Nation:
To Stuart, Gordon and Hailey and Wm. M. Gravens, attorneys for
the above named defendant, namely: The Choctaw Nation.

You are hereby notified that depositions of witnesses to be read in evidence in the above entitled cause on the part of the plaintiff-s, will be taken at the office of M.M. Wainwright on Main Street in the town of South-Mc-Alester, Tombahey County, Choctaw Nation, Indian Territory; and, within, said Central Judicial District, on the 12th., day of July 1897, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon; and that the taking of said depositions, if not completed on that day, will be continued from day to day at the same place and between the same hours until completed.

By J.P. Mullen, Attorney

IN THE UNITED STATES COURT FOR THE CENTRAL DISTRICT, INDIAN TERRITORY
AT SOUTH McALESTER.

Caption for Deposition.

Francis L. Stand et al Plaintiffs
vs.
Choctaw Nation Defendant.

The depositions of *Francis L. Stand, Chas. A. Stand, Kastoohka,*
John L. Stand and Wesley McKinney taken on the *12-14-15* day of *July* 189*7*
and between the hours of 8, a. m. and 6, p. m., at the *Law* office of *M. M. Williamson*
in the town of *S. McAlester* I. T., to be read as evidence in an action be-
tween *Francis L. Stand et al* plaintiffs, and *Choctaw Nation* defendant.
pending in the United States Court for the Central District, Indian Territory, at *S. McAlester*
D. J.

Francis L. Stroud being duly sworn states:

My name is Francis L. Stroud. My age is about 48 years, and I reside near Alderson, Choctaw nation, Indian Territory. I am an admixture of white and Choctaw blood, and at least one fourth Choctaw blood. I am the daughter of the late Anderson or Andrew Butler and Clarinda Butler. My late father was one half white and one half Choctaw Indian. He died in the Choctaw nation, Indian Territory, on Red river, when I was about three years old, ~~*****~~ which would be about the year 1856. He lived in the Choctaw nation from about the year about the year 1836 until his death. I was too young to remember either my father or mother, both of whom died when I was very young. I have lived in the Choctaw and Chickasaw nation all my life except at short intervals. I have lived here in good faith as a citizen of the Choctaw nation. I have lived in the Choctaw and Chickasaw nations all my life except, perhaps about four or five years which was divided into small periods when I was in the states. I claim to be a descendant of the said Anderson or Andrew Butler, who was ~~+~~ a Mississippi Choctaw Indian, and who moved to this country in an early day.

I was married to Charles A. Stroud, a white man, in Lafayette Ark. county in the year 1863, and we have lived together as husband and wife every since. I was married under the name of Francis L. Butler.

By said marriage the following children were born and are now living. to wit: Nancy E. Greer, nee Stroud, my daughter, aged 28.

Francis L. Stroud

James W. Stroud, my son aged 28 years, and resides at Hartshorne, Choctaw nation, I.T. John S. Stroud, age 21 and resides at Alderson, Choctaw nation, I.T, Isaac M. Stroud, aged 16 and resides with me at Alderson, Choctaw nation, I.T. All the above named children were borne in wedlock and are the lineal descendants of the said Anderson or Andrew Butler, formerly a citizen of the said Choctaw nation. Arther Greer, ~~age 14 years; ~~Arther Greer~~~~ Walton Greer age, 12 years; Otis Greer age 10; Charles Greer age 7, and Virgil Greer age 3 years are the children of my said daughter Nancy E. Greer, and are residing with their parents. William Stroud is a boy of 7 years, and is the son of my said son James W. Stroud, and resides with his parents, My said children are at least one eighth Choctaw and my grand children are at least one sixteenth Choctaw blood.

I gat this information from what I know myself and of what I have heard from others, my parents having died when I was small. I had two uncles, William and Felix, who were full brothers to my father so I was informed by Felix, whom I have seen several times. They are now both dead. From Felix Butler, I learnd a partial history of my father. My said uncles were duly recognized citizens of the Choctaw nation. From my facial appearance I have always been taken as an Indian.

Francis L. Stroud
mark

Witness:
M. M. Cunningham

Sout McAlester, I. T. Sept. 5th 1898.

Received of J. P. Mullen papers purporting to be copies of
petition of Francis L. Stroud for citizenship in the Choctaw Nation
and affidavits of Francis L. Stroud, Charles A. Stroud and Ols Seech-
abee to support said claim.

Stuart, Gordon & Hawley
Attys. for Choctaw Nation.

South Weymouth, U.S. March 11th, 1903

James P. Cassada

Clerk of the Citizenship Court.

Sir:-

In compliance with writ of error issued in Citizenship Case, No. 92 Francis J. Strand et al vs. United Nation, I herewith transmit a duly certified copy of the judgment entered, together with all oral and papers in said case, viz:-

- 1 Application for Judgment
- 2 Answer
- 3 Judgment of Commission
- 4 Petition for Appeal
- 5 Answer to Petition
- 6 Motion to transfer
- 7 Notice to take Depositions
- 8 Depositions
- 9 Report of Master
- 10 Copy of Judgment of U.S. Court
- 11 Writ with return thereon.

Please sign receipt below and return duplicate to me.

Respectfully, F. J. Farnham, U.S. Clerk

By E. M. Dodge
SE

March 11th, 1903

This day received of F. J. Farnham, U.S. Clerk, the papers as listed above.

Clerk of Citizenship Court

AFFIDAVIT OF WITNESS

In the matter of petition and memorial of

Francis L. Stroud
Choctaw Nation.

for admission to citizenship in the

State of *Choctaw Nation*

County of *Dobucksey* } SS

Before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared *Charles A. Stroud* who, after being by me duly sworn, states:

That *he* is *62* years of age, and a resident of the State of *Choctaw Nation* and County of *Dobucksey*, and *his* post office address is *Atkinsville*

that *he* is personally acquainted with *Francis L. Stroud* who is an applicant for Citizenship in the *Choctaw* Nation. Affiant further states:

(Here set out all that witness knows about claimant's family and ancestors of Indian blood.)

That *he* is a white man that *he* is the husband of Francis L. Stroud, that *he* inter married with her in 1888 and that they have been living together as husband and wife ever since, that her maiden name was Butler that she claimed to be the daughter of Clarinda and Andrew and Anderson Butler, I never saw the said Andrew Butler but saw his brother William Butler, he claimed to be the brother of Andrew Butler, he claimed to be a half blood Indian and an admixture of white and Choctaw blood. He claimed to be the uncle of my wife, Francis L. Stroud whose maiden name was Butler.

Affiant further says that his said wife has been recognized among her neighbors and the public generally as a Choctaw Indian woman and at least 1/4 Choctaw Indian blood and deriving her Choctaw Indian blood from her father the late Andrew Butler.

Affiant further says that the said William Butler visited us just after the late war while we were living in Lamar County Texas which was about 1888, shortly after that affiant and his family moved over in the Chickasaw Nation. Affiant has never seen William Butler since, but heard that he died shortly after his visit. The said William Butler informed me that the said Andrew Butler was dead.

Affiant further says that he has been residing in the Choctaw and Chickasaw Nation, Arkansas and Texas for the last 30 years. Affiant has been informed by Indians namely Mrs Griner and John Griner and others that the said Andrew died in Piekens County, Chickasaw Nation.

Affiant further says that he has not been required to pay a permit ~~except he affiant was~~ but that he payed for one when he first came to the Choctaw Nation but after the Choctaw authorities and the Choctaw Indian citizens found out that his wife was a Choctaw Indian he has not been required to pay any. And that she has been regarded as a Choctaw Indian woman but she has not been allowed to share in the public funds of the Choctaw Nation.

Affiant further states: That *he* has known the said *Francis L. Stroud* for the past *35* years, and knows that *he* has been and is recognized by *his* neighbors, acquaintances and the public generally as having *Indian* Indian blood, and that the complexion and physical appearance of the said *Francis L. Stroud* indicate that *he* is of *Choctaw* Indian blood and descent. Affiant further says, that from the above facts and circumstances, and from what *he* has heard and knows of the family of the said *Andrew Butler* *he* believes the said *Francis L. Stroud* to be *descendent* by blood of the *Choctaw* Indian tribe, and a lineal descendent of the said *Choctaw*

Subscribed and sworn to before me this

Charles A. Stroud
day of *Sept* 189*6*
H. H. Cunningham
NOTARY PUBLIC

My Commission expires

said descendants to-wit: Nancy E Green James M. Strouse
John B. Strouse Isaac M. Strouse Arthur Green Mattie Green
Odie Green Charles Green Margel Green and William Strouse
and
be enrolled and admitted to all the rights, benefits, privileges and
immunities of other *Cherokee* Indians, in and to the *Cherokee* Nation or
Tribe of Indians, in Indian Territory, and your petitioners will ever pray.

And in support of said claim herewith submits the affidavits, depositions and record evidence namely:

and petitioner respectfully awaits the time and place when his application shall be heard and tried, and petitioner will ever pray, etc.

Francis L. Strouse
Attorneys for petitioners.

The aforementioned petitioner, says that the statements set forth in the above and foregoing petition are true according to his best knowledge information and belief.

Subscribed and sworn to before me, this

31

day of

1896.

Francis L. Strouse
Petitioner.
U. W. McAlister
Notary Public.

APPLICATION OF

No.

El. Al.

FOR

Enrollment in

Nation

Filed on the day of 189

Sec. U. S. Com Five Civ. Tribe

Attorney for Petitioner.

CAPITAL PRINT, South McAlester.

APPLICATION FOR ENROLLMENT

Before the United States Commission to the Five Civilized Tribes of Indians:

Francis L Stroupe

Et. Al.

PETITIONER,

VS.

Choctaw

Nation, Indian Territory,

RESPONDENT.

APPLICATION FOR ADMITTANCE AND ENROLLMENT

TO THE ABOVE NAMED HONORABLE COMMISSION:

Your petitioner *Francis L Stroupe* states that *Anderson or Andrew Butler* was a *Choctaw* Indian by blood, was duly recognized by the proper authorities as such in *The Choctaw Nation* and enjoyed all the rights, privileges, benefits and immunities of other *Choctaw* Indians by blood in the said *Choctaw* Nation or Tribe of Indians, and that the name of the said *Anderson or Andrew Butler* appears or should appear upon the authenticated rolls of the said *Choctaw* Indians for the year

That the petition is a lineal descendant of the said *Anderson or Andrew Butler* to-wit

Petitioner is an admixture of white and Choctaw Indian blood that she is at least 1/4 Choctaw Indian blood that she is 48 years of age that she resides at Elderston Choctaw Nation S. I. that she derives her Choctaw Indian blood from her father the late Anderson or Andrew Butler who was a Choctaw Indian by blood and a citizen of the Choctaw Nation and a member of the Choctaw Nation about 1855. Petitioner was born in Choctaw Nation about 1848.

That under the constitution, laws, usages and customs of the said *Choctaw* Nation or Tribe of Indians, and the laws of the United States, and treaties with said Indians, your said petitioner is entitled to be admitted and enrolled as a citizen and member of said *Choctaw* Tribe of Indians in Indian Territory and entitled to all the rights, benefits, privileges and immunities of other *Choctaw* Indians by blood.

That there are now living legal descendants of your said petitioner *There*

persons, as follows, to-wit:

<i>Nancy E. Green nee Stroupe</i>	a <i>Daughter</i>	and	<i>27</i>	years of age
<i>James H. Stroupe</i>	a <i>Son</i>	and	<i>26</i>	years of age
<i>John S. Stroupe</i>	a <i>Son</i>	and	<i>21</i>	years of age
<i>Samuel H. Stroupe</i>	a <i>Son</i>	and	<i>16</i>	years of age
<i>Arthur Green</i>	a <i>Grand Son</i>	and	<i>14</i>	years of age
<i>Walton Green</i>	a <i>Grand Son</i>	and	<i>12</i>	years of age
<i>Oliver Green</i>	a <i>Grand Son</i>	and	<i>10</i>	years of age
<i>Charles Green</i>	a <i>Grand Son</i>	and	<i>7</i>	years of age
<i>George Green</i>	a <i>Grand Son</i>	and	<i>5</i>	years of age
<i>William Stroupe</i>	a <i>Grand Son</i>	and	<i>3</i>	years of age

Wherefore, the premises considered, your petitioner prays that *her*

name, with those of

90

No.

—CLAIM OF—

Francis L. Stinson

FOR CHOCTAW CITIZENSHIP.

ANSWER.

Filed Oct. 7, 1876.

H. W. J. J. J.

Stinson

STUART, GORDON & HAILEY, Attorneys.

FILED.

FEB 22 1897

P. W. Stinson

LEWIS

for citizenship in the Choctaw Nation.

Now comes the Choctaw Nation by its lawful attorneys and says:

FIRST. That this Honorable Commission has no power and jurisdiction to hear and determine the issues herein involved because the law creating such commission is unconstitutional and void.

SECOND. The Choctaw Nation enters its protest against the hearing of this cause because the methods of procedure adopted by this Commission are unjust, unfair and productive of great fraud and wrong and the form and method of trial prescribed by said Commission are contrary to the Constitution and laws of the United States.

THIRD. The Choctaw Nation protests against a hearing and determination of this cause for the reason that the time prescribed by said Commission within which this Nation must answer and adduce its proof is so limited as to amount to a denial of justice.

FOURTH. The Choctaw Nation further says that this Commission ought not to entertain this cause for the reason that it does not appear that the applicant herein has applied for citizenship to the legally constituted tribunal designated by the Choctaw Nation for the trial of questions of disputed citizenship.

FIFTH. Defendant says that the evidence adduced by the claimant in this case is not sufficient to establish his citizenship in the Choctaw Nation.

SIXTH. Defendant says that this Commission has no power to enroll the applicant herein because it appears that said applicant claims to be a citizen of the Choctaw Nation by intermarriage and it does not appear that his rights as such intermarried citizen have been disputed by the Choctaw Nation.

SEVENTH. Defendant says that the applicant herein should not be enrolled because he has not shown by his evidence that he has not forfeited his rights as such citizen by abandonment or remarriage.

EIGHTH. And not waiving the defenses heretofore set out, defendant for further answer herein says:

The proof in this case is not sufficient to show that claimant is one-eighth blood Choctaw Indian.

That the evidence fails to show that this claim has ever been disputed by the Choctaw Nation.

The Choctaw Nation
By Stuart, Gordon & Hasky
Its Attorneys

~~1092~~ 90

FILED.

FEB 22 1897

P. H. Storer

COMMISSIONERS.
HENRY L. DAVIS.
FRANK C. ARMSTRONG.
ARCHIBALD S. MCKENNON.
THOMAS B. CARPENTER.
ALEXANDER S. MONTGOMERY.
H. M. JACOWAY, Secretary.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

To Smith Oct Dec 8.

1896.

1392

Francis L. Stroud & Co

Filed Sept 9 1896. Answer given.
Application denied.

Choctaw Nation

Joseph P. Mullens South McAlester.

I, H. M. JACOWAY, JR., Secretary, do hereby certify that the above and foregoing is a true and correct copy of Choctaw Record "C" page 432, of The Commission to the Five Civilized Tribes.

Given under my hand and official signature this

the 16 day of July 1897

H. M. Jacoway

By Henry Stroup

90

J. L. Strand et al
vs
Choctaw Nation

FILED.

JAN 29 1897

P. B. Storer CLERK

J. J. Mullen
att'y.

In the United States Court for the Indian Territory,
Central Judicial Division.

Choctaw Citizenship Case.

Francis S. Shoud and her minor children and
grand children, to wit: Nancy Greer, J. N. Shoud, J. L. Shoud, J. M. Shoud,
Willie Shoud, Arthur Greer, Walter Greer, Odie
Greer and Charley Greer and Virgie
Appellants.

vs:

Choctaw Nation,

Appellee.

Petition for Appeal.

No 392.

Comes the Appellant, Francis S. Shoud and petition
-s the said Court for an appeal in the above entitled cause, for an
appeal from the decision of the Commission, created and empowered to
treat with the Five Civilized Tribes, known as the Dawes Commission,
which decision was rendered by authority granted to them by an act of
Congress June the 10th., 1896, and by which decision rendered on the
8th day of December 1896, the aforesaid Appellants were denied
their rights to citizenship in the Choctaw Nation Indian Territory, th
-e facts relied upon by the Appellants to establish their rights and
those of her children and grand-children, to wit:- Nancy Greer, James
J. John, J. Isaac M. Arthur G. Greer, Walter Greer, Odie Greer,
Willie Shoud and Charley Greer

That the said Appellants are the legal and lineal descendants of the late
Anderson Andrew Butler who was a Choctaw Indian by blood and a
citizen of the old Choctaw Nation and was a member of the Choctaw
Nation of Indians. That Appellants were born in the Choctaw Nation
County, State of Mississippi and are now residing in the Choctaw
Nation or State of Mississippi, and that said Appellants are
Choctaw Indians by blood and are at least one eighth Choctaw blood and
are admixtures of white and Choctaw blood and which is more fully set
out in their application and the testimony in said case filed with
the said Commission.

The Appellants state as grounds for appeal to this Honorable
Court, that the decision of the said Commission is contrary to the law
and evidence produced in said case and is contrary to the constitution
of the United States and the treaty between the United States and
Choctaw Nation of Indians and is contrary to the constitution and laws
of the Choctaw Nation.

The said Commission erred in its decision on the said claims
of the aforesaid Appellants, viz:

First. In refusing the Appellants to examine the answer of
the Defendant.

Second. In refusing to admit testimony in rebuttal thereof.

Third. In refusing Plaintiff the right of being present either
-r in person or by Attorney during the trial and determination of the
claim, and in refusing to grant process for the attendance of witnesses
-s and for refusing to allow said witnesses to testify orally in said
claim.

Appellants further state that they are unable to assign
in particular the errors of the decision of the said Commission, for
the reason that a denial to the rights of Choctaw Citizenship was the
only decision rendered by said Commission in which decision the Commis
-sion made error.

The premises considered wherefore Petitioners pray an appeal
to this Honorable Court, and pray that an order be made requiring said
Commission to send all pleadings and records filed before them to this
Honorable Court, and that the Choctaw Nation be cited to appear before
this Honorable Court and defend the appeal and Petitioners will ever
pray, and etc.

J. P. Mullen.
Attorney for Petitioners.

Francis S. Shoud, states that she is one of the Petitioner
-s in the above and foregoing Petition and that she believes that
the statements set forth therein are correct and true,

Subscribed and sworn to before me this the 19 day of January 1897.

Notary Public

Notary Public

My comm. expires Jan. 10, 1901.

190
F. L. Strand et al

Choctaw Nation

Answer

In the Choctaw Nation. And that it is not fine that the Peace Commission
 That it is not fine that abductees are entitled to citizenship
 to the benefit of abductees listed by the Commission herein: say:
 Comes now the Choctaw Nation in its answer, and for answer

The Choctaw Nation, Defendant.

pleaded.

FILED

FEB 25 189

W. C. Foster
 ANSWER.

INDIAN TRIBES, AT SOUTHERN CROSSING.

IN THE UNITED STATES COURT FOR THE CENTRAL DISTRICT OF THE

IN THE UNITED STATES COURT FOR THE CENTRAL DISTRICT OF THE
INDIAN TERRITORY, AT SOUTH McALESTER.

F. L. Stroud et al
Plaintiff,

vs.

A N S W E R.

The Choctaw Nation, Defendant.

Comes now the Choctaw Nation, by its attorneys, and for answer to the petition for appeal filed by the plaintiffs herein, says,

That it is not true that applicants are entitled to citizenship in the Choctaw Nation. And that it is not true that the Dawes Commission erred as alleged in said petition.

Further answering, the Choctaw Nation says that it has heretofore filed its answer to the application of this plaintiff before the Dawes Commission, which said answer is hereby referred to and made part hereof, and having fully answered, appellee prays that the judgment of the Dawes Commission be in all things affirmed.

Wm M Cavenus

Shuart Gordon Hailey
Attorneys for Choctaw Nation.

No. 90

Francis L. Stroud

VS.

Choctaw Nation.

Motion to transfer from
equity to common law docket.

FILED
APR 13 1897

Joseph P. Mullen,
Attorney for Appella.

In the District Court of the United States for the
Central District, Indian Territory, April Term, 1888

Francis L. Stroud et al.

vs.

Choctaw Nation.

Comes Francis L. Stroud et al

in their own proper person and by attorney, and moves the Court to transfer the above entitled cause from the equity to the common law docket, from the following reasons:

FIRST. Because the issues to be passed upon involve property rights, and should be passed upon by a jury.

SECOND. Because the issues and questions raised by the pleadings in said cause fall within the province of the common law and not within that of equity.

Other good and sufficient reasons could be assigned why such transfer should be made.

Joseph H. Muller
Attorney for Appellants

AFFIDAVIT OF WITNESS.

In the matter of petition and memorial of Francis L. Strane
for admission to citizenship in the Choctaw Nation.
State of Miss
County of SS

Before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Francis L. Strane who, after being by me duly sworn, states:
That she is 45 years of age, and a resident of the State of Chattanooga and County of Lakeview and her post office address is Bladenston, T.
she is personally acquainted with who is an applicant for
Citizenship in the Choctaw Nation. Affiant further states:

(Here set out all that witness knows about claimant's family and ancestors of Indian blood.)

That she is the daughter of the late Anderson or Andrew Butler. That she is an admixture of white and Choctaw Indian blood and at least $\frac{1}{4}$ Choctaw Indian blood. That she derives her Choctaw Indian blood from her father the late Anderson or Andrew Butler. Affiant further states that she has been taught by her neighbors and the public that her father was a Choctaw Indian by blood that he was a citizen of the Choctaw Nation that he was a member of the Choctaw Indian tribe that he was born about 18. That he moved from the old Choctaw Nation now Mississippi when the Choctaw's migrated west that he lived in the Choctaw Nation on near Rowden from about 1835 until his death which occurred about 1855. That the mother of affiant died when petitioner was an infant and her father when she was about 3 years of age. That affiant was born in the Choctaw Nation that she has always claimed the Choctaw Nation as her home.

Affiant further states: That she has known the said Anderson or Andrew Butler for the past years and knows that he has been and is recognized by her neighbors, acquaintances and the public generally as having Choctaw Indian blood, and that the complexion and physical appearance of the said affiant indicate that she is of Choctaw Indian blood and descent. Affiant further says, that from the above facts and circumstances, and from what he has heard and knows of the family of the said Anderson or Andrew Butler he believes the said he to be a descendant by blood of the Choctaw Indian tribe, and a lineal descendant of the said Anderson or Andrew Butler who was a Choctaw Indian by blood a citizen of the Choctaw Nation and a member of the Choctaw tribe of Indians.

Subscribed and sworn to before me this 31

Francis L. Strane
Notary Public

My Commission expires

Hon D.C.
No. 1328 / 392

IN THE MATTER OF

Francis L. Stifed

Choctaw Nation

Petition and Memorial

FOR

CITIZENSHIP

In the Choctaw Nation, I. T.

Filed Sept 1896
H. M. Jacobson
Clerk

FILED.

FEB 22 1897

O. B. Stivers CLERK.

J. P. Mullen
Atty. for petitioner
Sixth National
Ind. Terr.

GENERAL AFFIDAVIT.

UNITED STATES OF AMERICA,
Central District, Indian Territory.

Personally appeared before me the undersigned a Notary Public in and for the District named above k, Allen Moore, personally known to me to be over the age of 21 and a citizen of the Choctaw Nation who after being duly sworn states that he will interpret truly the Indian language into the English language the statements made by Ola Seechabee in the matter of a claim of Francis L. Stroud, claimant for Choctaw citizenship. That the said Ola Seechabee also personally appeared before me the said Notary Public in and for the said District, and who after being duly sworn deposeseth and says that my name is Ola Seechabee, That I live in Tobouksey Co. Choctaw Nation, that my post office address is Kiawa, I. T. that I am about 77 years of age that I was born in Miss. in 1820

Affiant further says that he knows Francis L. Stroud and her husband Charles A. Stroud, I first became with Francis L. Stroud when she lived at James I. Nature in this county, Tobouksey, I became acquainted with the Indian Butler in time of the war, I knew William Butler and Andrew Butler, and that they were about 45 years old when I knew them, I think they were brothers. I do not know whether they are living are dead but he heard that they were dead, and his recollection was that they died about 1867 two or three years before or after that. That he thinks that they were half blood Choctaw and were admixture of white and Choctaw blood. They were in the Company that I was in and they were all Choctaws that was in this company and they all talked the Choctaw language.

Affiant further says that he is a Senator to the Choctaw Council and a full blood Choctaw Indian.

Allen Moore

Interpreter.

Ola Seechabee

Subscribed and sworn to before me this the 5 day of Sept. 1896

W. M. Allen Moore

Notary Public.

My commission expires, *Sept. 14, 1896*

Muscogee, Indian Territory,

August 18th, 1900.

Charles A. Stroud,

Alderson, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-466.

Muskogee, Indian Territory, January 28, 1903.

Joseph Q. Herman,

Antlers, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 6, asking if the name of Charley Sturd was on the Choctaw roll prior to September 25, 1902.

In reply to your letter you are advised that it does not appear from our records that any person by the name of Charley Sturd is an applicant to this Commission for enrollment in the Choctaw Nation. It does appear, however, that Charles A. Stroud, of Alderson, Indian Territory, husband of Frances L. Stroud, has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation.

The Commission is now preparing rolls of the citizens and freedmen of the Choctaw and Chickasaw Nations for submission to the Secretary of the Interior under the provisions of the act of Congress of July 1, 1902, and it is necessary to have the personal testimony of all intermarried citizens of said nations relative to their status as such intermarried citizens on September 25, 1902, the date of the ratification by the Choctaw and Chickasaw Nations of the act of Congress above referred to.

J G H 2

It would be advisable for Charles A. Stroud to appear before the Commission at the earliest date possible for the purpose of introducing this testimony as until the same is received no further consideration can be given his application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Acting Chairman.

MEMORANDA.

(Date)

1899.

ne
62 Name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

466-P-

Choc 0467 Ella Stroud

Dismissed May 13, 1904

0467

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:-----

Record in the matter of the application for enrollment
as an intermarried citizen of the Choctaw Nation: of:

ELLA STROUD ----- 7-D-467.

-----o-----
-----o-----
-----o-----
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o
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Commission to the Five Civilized Tribes,
South McAlester, Indian Ter.

In the enrollment of Ella Stroud as an intermarried Choctaw;
James W. Stroud being sworn and examined by Com'r McKennon states:

- Q What is your name? A James W. Stroud.
- Q How old are you? A Thirty.
- Q Are you a Choctaw citizen by blood? A Yes sir.
- Q Were you admitted by the United States Court at South McAlester? A Yes sir.
- Q When? A September 8th 1897, case #90.
- Q You present here a marriage license dated September 7th 1899 to marry Miss Ella Stroud, were you ever married to her before?
- A Yes sir.
- Q When? A August 14th 1888.
- Q Where? A In Russellville, Arkansas.
- Q Were you separated or divorced from her? A No sir.
- Q She was then your wife when you married her this time?
- A Yes sir.
- Q Was her name Miss Ella Stroud? A Her name was ~~Miss~~ Ella Stroud.
- Q This was a second marriage then? A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, on my official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Meen

Choctaw Nation This is to Certify
To Leakey County that I W. F.
Bradwell a minister of the Gospel did
duly and according to the laws custom
and usages of The Choctaw Nation
join in lawful wedlock ^{Mr James W}
^{a white man and a citizen of the United States}
Shrouel a Choctaw citizen and Miss Ella ~~Shrouel~~
Shrouel My Credentials are recorded in Book
A page 144 in the office of The Clerk
of The United States Court at Austin
Texas
Witness my hand and this 7th day
of Sept, 1899.
W. F. Bradwell

Filed in my office for record
and duly recorded in Book
40 Page 257 of Leakey County
Court Records

Witness my hand and Seal
of The County Court this
7th day of Sept 1899.

A. W. McClure
Clerk of Leakey
County Choctaw Nation

7-D-467.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ella Stroud for enrollment as a citizen by intermarriage of the Choctaw Nation.

The applicant, Ella Stroud, nee Ellis, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one James W. Stroud. The right of the applicant's husband, James W. Stroud, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of February 2, 1904, in case No. 48, upon the South McAlester docket of said court, it is hereby ordered that the application of Ella Stroud for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

MAY 12 1904

Choctaw D-467

COPY:

Muskogee, Indian Territory, May 13, 1904.

Ella Stroud,

Hartshorne, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 13, 1904, dismissing your application for enrollment as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Jane Birby.

Chairman.

Registered.

Incl. 7-D-467.

Choctaw D-467

COPY.

Muskogee, Indian Territory, May 13, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

Inclosed herewith you will find a copy of the order of
this Commission, dated May 13, 1904, dismissing the application
of Ella Stroud for enrollment as a citizen of the Choctaw Nation
by intermarriage.

Respectfully,

(SIGNED)

Jams Bixby.
Chairman.

Incl. 7-D-467.

Choctaw D-467.

Muskogee, Indian Territory, August 3, 1904.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 29, in which you ask if there is any prospect of getting Mrs. Mary Possey's case passed upon, as well as that of her child, William Williams!

In reply to your letter, you are informed that the Commission is taking up applications for enrollment in the Choctaw and Chickasaw Nations for consideration and final determination as rapidly as practicable, and as soon as decisions are reached in these cases the applicants will be notified of the action taken therein.

It is impracticable at this time to state when these cases will be reached, but it is believed that all enrollment matters will be determined within the near future.

Respectfully,

Commissioner in Charge.

MEMORANDA.

(Date) Feb 14 1899.

Name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

no
33 Wife's name, Ella Straud

Choctaw? ye County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen? ye

Married under what law? cl or

License filed this day ye

Names of children:

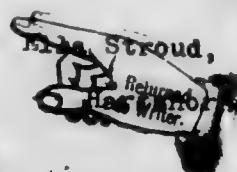
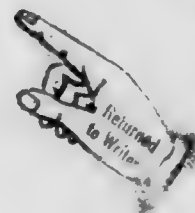
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County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

As to names of
husbands: James M. Straud

P-467

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

12353
11799



Mr. Stroud,
Indian Territory.

584

MUSKOGEE, IND. TER.
MAY 10 1904
REGISTERED

COMMISSIONERS
FAM. BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNIDGE

WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-467

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 13, 1904.

Ella Stroud,

Hartshorne, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 13, 1904, dismissing your application for enrollment as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,



Chairman.

Registered.

Incl. 7-D-467.

Choc D468 mary Posey

D468

CHOCTAW

D-

468

Mary Perry, et al.

REFUSED.

FEB 27 1907

RECORD FORWARDED DEPARTMENT

FEB 27 1907

COPY OF DECISION FORWARDED
APPLICANT

FEB 27 1907

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

FEB 27 1907

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

FEB 27 1907

ACTION APPROVED BY
SECRETARY OF INTERIOR. MAR 4 - 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APR 18 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

APR 18 1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

APR 18 1907

MEMORANDA.

(Date) 11/1/1899.

Name

Choctaw? .. County Year No.

Chickasaw? .. County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? .. County Year No.

Chickasaw? .. County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

8/1/1899 County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

5448

Department of the Interior,

Commission to the Five Civilized Tribes

I hereby certify that the official use of
steno-graphy is hereby authorized and that this
transcript is a true, full and correct translation of
my stenographic notes.

Commission to the Five Civilized Tribes, *McAlister*

South McAlester, Indian Ter.

In the enrollment of Mary Posey as an intermarried Choctaw,
and child, William H. Williams, as a Choctaw; Mary Posey being
sworn and examined by Com'r McKennon states:

Q What is your name? A Mary Posey.

Q How old are you? A Thirty.

Q You are a white woman? A Yes sir.

Q What was your former husband's name? A Watt Williams.

Q Was he a Choctaw? A Yes sir.

Q Were you married to him? A Yes sir.

Q Where? A In Sans Bois county.

Q When? A It has been nine years ago.

Q Who married you? A I don't know his name.

Q Was he a preacher? A Yes sir.

Q How long did you live with him? A I lived with him about
four months.

Q This child was born then afterwards? A Yes sir.

Q How long after you were married then this child was born?

A I couldn't tell you.

Q You lived with him only about four months and then separated
from him and have been separated from him ever since? A Yes sir.
I married him in good faith of making him my husband, but he
wouldn't stay with me.

Q Watt Williams is the father of that child William? A Yes sir.

Q Was Watt Williams a full-blood Choctaw? A I think he was,
he was awful dark. Jackson Moore is a cousin of Watt Williams,
and Green McCurtain is an uncle of this boy by marriage.

(This mother and child are not found on any roll of
the Choctaw Nation; he is eight years old.)

You never have been enrolled? A No sir.

(Testimony of child's father required in order to enroll
child and mother.)

Commission to the Five Civilized Tribes,
South McAlester, Indian Ter.

In the enrollment of Mary Posey as an intermarried Choctaw,
and child, William H. Williams, as a Choctaw; Mary Posey being sworn
and examined by Com'r McKennon states:

- Q What is your name? A Mary Posey.
Q How old are you? A Thirty.
Q You are a white woman? A Yes sir.
Q What was your former husband's name? A Watt Williams.
Q Was he a Choctaw? A Yes sir.
Q Were you married to him? A Yes sir.
Q Where? A In Sans Bois County.
Q When? A It has been nine years ago.
Q Who married you? A I don't know his name.
Q Was he a preacher? A Yes sir.
Q How long did you live with him? A I lived with him about four
months.
Q This child was born then afterwards? A Yes sir.
Q How long after you were married when this child was born?
A I couldn't tell you.
Q You lived with him only about four months and then separated from
him and have been separated from him ever since? A Yes sir, I
married him in good faith of making him my husband, but he wouldn't
stay with me.
Q Watt Williams is the father of that child William? A Yes sir.
Q Was Watt Williams a full-blood Choctaw? A I think he was, he
was awful dark. Jackson Moore is a cousin of Watt Williams, and
Green McCurtain is an uncle of this boy by marriage.

(This mother and child are not found on any roll of the
Choctaw Nation; he is eight years old.)

- Q You never have been enrolled? A No sir.

(Testimony of child's father required in order to enroll
child and mother.)

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer
to above named Commission, that this transcript is a true, full and
correct translation of my stenographic notes.

(Signed) M. D. Green.

COMMISSIONER
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED JULY 1 1902

Choctaw D-468.

Muskogee, Indian Territory, March 4, 1902.

Mary Posey,

Caney, Indian Territory.

You are hereby notified that the application of yourself and your minor child, William H. Williams for enrollment as citizens of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 12, 1902.

.....
:: In the matter of the application of ::
:: Mary Posey for the enrollment of her- ::
:: self as a citizen by intermarriage, ::
:: and for the enrollment of her minor ::
:: child, William H. Posey, as a citizen ::
:: by blood of the Choctaw Nation. ::
.....

D-468.

On the 4th day of March, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw Nation were also notified by registered mail that the application of Mary Posey for the enrollment of herself and her minor child as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of April, 1902, for final consideration.

Now on this 12th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant appears by her attorney J. G. Ralls, and submits this cause upon the record and evidence as now made up. This case will now be considered by the Commission on the record now on file.

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 12, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 12 day of April, 1902.

Hal Belford
Notary Public

Notary Public.

(COPY-DeB)

Department of the Interior.
Commission to the Five Civilized Tribes.
Wister, I.T., December 17th, 1902.

Choctaw 2748.
Intermarried.

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In the matter of the application of Sarah E. Williams
for enrollment as an intermarried citizen of the Choctaw Nation.

Sarah E. Williams being first duly sworn testified as
follows:

Examination by the Commission.

- Q What is your name? A Sarah E. Williams.
Q How old are you? A Twenty years old.
Q What is your post office address? A Cowlington.
Q Is that in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw Nation?
A Three years.
Q Have you lived here continuously for the past three years?
A Yes sir.
Q Where did you live prior to that? A Panama.
Q Well, that's in the Choctaw Nation isn't it? A Yes sir.
Q Well, my question was "How long have you lived in the
Choctaw Nation?" A All my life.
Q Have you never made your home anywhere else? A No Sir.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of your husband through whom you claim
these rights? A Senora W. Williams.
Q Is he a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q Have his rights as such ever been disputed? A No sir.
Q When were you married to this man? A Four years ago..
Q Where was this marriage ceremony performed? A Farmers, in
the Choctaw Nation.
Q Is Farmers a post office? A Yes sir.
Q Who married you; who performed the marriage ceremony?
A McGee.
Q Is he a minister of the gospel? A Yes sir.
Q Were you ever married before your marriage to Senora W.
Williams? A No sir.
Q Was he ever married before his marriage to you? A Yes sir,
once.
Q Do you know the name of his former wife? A Emma Perkins.
Q Was she dead at the time of your marriage to him? A I
don't know whether she was or not.
Q Had they been separated? A Yes sir.
Q Had they been divorced? A Yes sir.
Q Since your marriage to Senora W. Williams have you lived
together continuously as husband and wife up to the present
time? A Yes sir.

Sarah E. Williams-----2.

- Q There has been no separation of any kind whatever? A No sir.
Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

S. W. Williams being called as a witness and duly sworn, testified as follows:

- Q What is your name? A S. W. Williams.
Q How old are you? A Thirty-five.
Q What is your post office address? A Cowlington.
Q Are you a Choctaw Indian by blood? A Yes sir.
Q Are you the husband of this woman, Sarah E. Williams?
A Yes sir.
Q Were you married before your marriage to her? A Yes sir.
Q How many times before? A Twice.
Q What was the name of the first one? A Mary Hoover. The maiden name of the second one was Perkins, but she was the widow Rush when I married her.

By Simon Lewis:

- Q She was a widow when you married her? A Yes sir.

By the Commission:

- Q Were you separated from these women or did they die?
A Yes sir, separated from both of them.
Q From both of them? A One of them went--I was off on business--- the second one got my brother-in-law to move her to her father's in the States while I was off tending to some business. I wouldn't go back in the States for the Nation was my home.

By Simon Lewis:

- Q But you separated from both of them? A Yes sir.

By the Commission:

- Q Were you divorced from each of these women? A Yes sir.
Q Where were you divorced from Mary Hoover? A Choctaw Nation.
Q In the Choctaw tribal courts? A Yes sir.
Q Whom was that divorce granted you? A Well, I will just explain the whole thing and you can count it just as you please. I will tell it just like it is, let it be all for the better or all for the worse. She was a widow and she told me she had a divorce from her husband and I married her.
Q That's your first wife? A Yes sir; and just a short time after we married, her husband came into the settlement and they were never divorced, and as quick as I found that out I said to myself I am living in adultery and I will just quit and I went to South Canadian before a notary public and had witnesses to the effect that she stated to me wrong.
Q Were you divorced from this woman? A That marriage has never been recorded on any records. I was going to have the certificate recorded but as quick as I found that out I quit.
Q You were not formally divorced from this woman? A No sir, I was informed that there was no need of it; that I was in

Sarah E. Williams-----3

- adultery and I quit before I went to tie myself further.
- Q You understood that this woman had a former husband from whom she had not been divorced? A Yes sir, and to keep from going further I quit.
- Q How about your divorce from your second wife? A She sued me for a divorce and I granted to her in Ozark, Franklin County, Arkansas.

By Simon Lewis:

- Q Was she living there at that time? A Yes sir.
- Q She procured it while she was living in Arkansas? A Yes sir.
- Q How about the children you had? A The one I had by the Perkins woman is dead and buried on the old Alex. Burns place.
- Q But there's another woman bobbed up here that says her child is yours? A This first woman?
- Q What year did you separate from her in? A I was twenty-one year old when we separated; it has been fourteen years ago.
- Q You separated at that time? A Yes sir.
- Q And you have never been with that woman since? A No sir, I haven't seen her since.
- - - - -

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 17th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan.

Subscribed and sworn to before me this 29 day of January, 1903.

(SEAL)

Charles H. Sawyer.

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
South McAlester, Indian Territory, December 23, 1902.

Choctaw D 468.
Intermarried.

In the matter of the application of Mary Posey for enrollment as an intermarried citizen of the Choctaw Nation.

Mary Posey, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Mary Posey.
- Q How old are you? A I am about thirty five.
- Q What is your post office address? A McAlester, Indian Territory.
- Q That is in the Choctaw Nation? A Yes sir.
- Q How long have you been a resident of the Choctaw Nation? A I have lived here ever since I was eleven years old.
- Q Never made your home anywhere else during that time? A No sir.
- Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
- Q What is the name of the Choctaw man through whom you claim those rights? A Watt Williams.
- Q Was he a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
- Q Were his rights as such ever disputed? A No sir.
- Q When were you married to Watt Williams? A I couldn't tell you exactly when, I am uneducated. It has been a good while back that we was married.
- Q Who married you? A A fellow named Brown or Brannen or some name like that.
- Q Was he a minister of the gospel. A Yes sir.
- Q Did you obtain a marriage license? A Yes sir.
- Q Where did you get that license? A I can't tell you where he got them.
- Q Are you sure you had a marriage license? A I guess so, him and me went and married; we went and married.
- Q Did you get a certificate from the person who married you? A Yes sir.
- Q What did you do with the certificate? A I lost it after I hired around.
- Q Is the man who married you still living? A I don't know whether he is still living or not that one that married us.
- Q Were you ever married before you married Williams? A Yes sir.
- Q How many times before? A Twice.
- Q What were the names of your former husbands? A Will Stidham and Marion Hoover.
- Q Were both of these men dead at the time of your marriage to Watt Williams? A Yes sir.
- Q Was Watt Williams ever married before his marriage to you? A Not that I know of.
- Q After this marriage how long did you live together continuously as husband and wife. A We lived together about seven months.
- Q What happened at the end of that time? A I couldn't tell you.
- Q Did he die or did you separate? A We separated; we couldn't get along.
- Q Did you leave him or did he leave you? A He left me.
- Q Do you know the cause of this separation? A Not in particular I don't.

Mary Posey-----2

- Q Didn't he give you any reason for leaving you? A No sir.
- Q You never asked him? A No sir.
- Q At the time you were living together did you get along alright?
- A Apparently we did, I didn't know there was anything wrong.
- Q Did you give him any cause for wanting to leave you? A No sir.
- Q Did you get a divorce from him? A Yes sir.
- Q Where did you obtain this divorce? A It was got down there at that place close to Poteau.
- Q What grounds did you set forth in your petition praying for this divorce? A My husband can answer that question a heap better than I can.
- Q Don't you know? A Yes sir, I know.
- Q Can't you tell it? A I can, but he can tell it better than I can; I wouldn't wish to want to tell that.
- Q You got the divorce did you? A Yes sir, at least they told me it was a divorce, I am undecided.
- Q Did you have any children by this Indian? A I had one.
- Q What was this child's name? A William Williams. I named him that to keep up with his father's name.
- Q When was this child born? A He is a boy now about eleven years old.
- Q Was this child ever recognized or enrolled by the tribal authorities as a Choctaw Indian? A Yes sir, he was.
- Q Was he on any of the tribal rolls? A Yes sir.
- Q Did he draw any money in 1893? A No sir, he ain't never drawn a cent.
- Q Did you ever try to have him enrolled at that time? A No sir, I never tried to have him enrolled until after me and this man I am living with now was married.
- Q Was this child's name put on the 1896 tribal roll? A I reckon it was; I reckon it was enrolled at Ateka.
- Q Was that before the Commission or the tribal authorities? A I reckon it was the Commission.
- Q After your divorce from Watt Williams have you remarried? A Yes sir.
- Q What is the name of your second husband? A Ransom Posey.
- Q Is he a white man? A No sir, but he has never proven up his right yet.
- Q He has never been enrolled as an Indian? A No sir.
- Q When were you married to him? A 5th of July seven years ago.
- Q You have been living with him ever since? A Yes sir.
- Q Is Watt Williams living now? A I don't know sir whether he is or not; I never heard from him.
- Q Was this child William Williams born after your separation from your Choctaw husband? A Yes sir, we had separated and he was gone.
- Q How long after that separation? A Pretty good little bit after we were separated.
- Q State about how long? A I couldn't tell you; we lived together about seven or eight months and the child was born afterwards.
- Q How many months afterwards? A I couldn't tell you anything about that.
- Q I didn't think ever I would need to pay any attention to it.
- Q Watt Williams is the father of this child? A Yes sir, he is.
- Q Where were you living in 1893 when the leased district payment was made to the Choctaw Indians? A Living down there in a place they

Mary Posey-----3.

called Coffee Bend close to Colbert station.

Q In what county is that? A Chickasaw Nation.

Q You were living in the Chickasaw Nation at that time? A Yes sir

Q Was this boy living with you? A Yes sir.

Q Was this boy's name ever placed on the annuity roll? A Not by me
I never did try to register him, because I never knew nothing about
how to commence.

Q Where were you living in 1896 when the Choctaw census roll was
made? A I was living close to Boggy Depot.

Q In what county is that? A I don't know what county; it is in
the Choctaw Nation.

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Harry C Risteen, being first duly sworn, upon his oath states:
That as stenographer to the Commission to the Five Civilized Tribes
he reported in full all proceedings had in the above entitled cause
on the 23rd day of December, 1902, and that the above and foregoing
is a full, true and correct transcript of his stenographic notes of
said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 19 day of January 1903.

Charles H. Sawyer

Notary Public.

Wes

C O P Y .

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Mary Posey as a citizen by intermarriage of the Choctaw Nation,
Choctaw Field No. D-468

- - - - -

We hereby request on behalf of the Choctaw and Chickasaw Nations that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which said court will decide the question of validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish,,
Attorneys for the Choctaw & Chickasaw Nations

January 23, 1904.

Endorsed:
Choctaw D- 469.

In the matter of the enrollment
of Mary Posey as an intermarried citizen of the Choctaw Nation

Protest of
Choctaw and Chickasaw attorneys.

Protest overruled by Department.

Department of the Interior
Commission to the Five Civilized Tribes,
Filed Feb. 6, 1904
Tams Bixby, Chairman.

C O P Y .

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

United States of America,
Central Judicial District
of the Indian Territory.

#7-D-468.

Mary Posey & Mary H. Williams.

AFFIDAVIT.

Robert L. Townley, having been by me first duly sworn, according to law, states upon his oath, that he is forty-five years of age, a resident of Cowlington, Indian Territory, and has been such for the past sixteen years or more. That he is a minister of the Gospel, affiliated with the Baptist church and has been such for the last past seventeen years or more. That as such minister he was and is empowered and duly authorized to solemnize the rites of matrimony between parties who desire the same. That the evidence of such authority is now a matter of record with the Clerk of the United States Court at South McAlester, Indian Territory in Record Book "A", Page 206. That on the _____ day of November, 1889, Senor W. Williams, commonly known as "Watt" Williams, a Choctaw Indian, and Mary Hoover, a white woman came to his home in Cowlington, Choctaw Nation, Indian Territory, and stated to him that they desired to be united as man and wife and that upon said day and at said place, this affiant, Robert L. Townley united said Senora W. Williams and Mary Hoover as man and wife according to the laws of God and the Choctaw Nation. That before said marriage ceremony was performed that each of the parties were by him duly examined touching their qualifications to enter into a marriage contract and were by him duly examined touching their qualifications to enter into a marriage contract and were by him found in all things capable of entering into such contract. That at the time said ceremony was performed there was no one present but the contracting parties himself and his first wife, who is now dead.

Affiant further states that the reason he remembers the circumstances so well is that he had been in the Territory then for a short time only and that the said Williams brought the said Mary Hoover to Cowlington upon a horse, she riding behind the said Senora W. Williams both upon the same horse and that these parties were among the first united in matrimony by this affiant.

Affiant further states that the parties were young, that neither of them appeared to be more than twenty-three or twenty-four years of age.

Affiant further states that he kept no record of the marriages performed by him at that time because there was now law requiring the same to be kept and for this reason he has no particular record of this or any other of the marriages performed by him at that time.

Affiant states that he has known Senora W. Williams ever since

he married him and he is personally acquainted with him now.

Affiant further states that he does not remember that he issued any marriage certificate and to the best of his recollection did not issue one.

(Signed) T. L. Townley.

Subscribed and sworn to before me this 12 day of April, 1905.

(Signed) A. H. Croutamel
Notary Public.

(SEAL)

My Com. Ex. Feb. 3, 1907.

Endorsed:

Department of the Interior

Commission to the Five Civilized Tribes

Filed Apr. 18, 1905.

Tams Bixby, Chairman.

C O P Y .

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

United States of America
Central Judicial District
of the Indian Territory.

J. S. Murrow, having been by me first duly sworn, according to law, states upon oath that he is 70 years of age, a resident of the Indian Territory and has been such for the past past 47 years; that he is a minister of the Gospel, affiliated with the Baptist church; that he has been a missionary among the Indians known as the Five Civilized Tribes in the Indian Territory for the last forty-seven years; that he is personally acquainted with Robert L. Townley, a Baptist minister at Cowlington and has been for the last past twelve years; that in his opinion the said Robert L. Townley is an honest, honorable, Christian gentleman; that his reputation for truth and veracity is good and that he would give full faith and credit to any sworn statement that the said Robert L. Townley might make.

(Signed) J. S. Murrow.

Subscribed and sworn to before me this the 14th day of
April, 1905.

(Signed) C. G. Bozarth

(SEAL).

Notary Public.

Endorsed:
Department of the Interior
Commission to the Five Civilized Tribes
Filed Apr 18, 1905.
Tams Bixby, Chairman.

C O P Y .

U.S. States of America,
Central Dist.
Indian Territory.

Senora W. Williams having been by me first duly sworn according to law states upon his oath that he is a Choctaw Indian, and has resided in the Indian Territory all his life that in the fall fifteen or sixteen years ago he was married to a white woman named Mary Hoover by Parson Robert L. Townley at Collington I. T. that he took his wife to Collington on a horse behind him; that they lived together as man and wife after they were married until he left her. That there was no one present except themselves the preacher and his wife.

Affiant says that he does not remember the exact date of the marriage.

(Signed) S. W. Williams.

Subscribed and sworn to before me he undersigned authority in the Central District, Indian Territory this 29 day of Mch. 1905.

(SEAL)

(Signed) J. D. Shaw

Notary Public.

My Com. Ex. Feb. 5, 1907.

Endorsed:
7-D-469.

Department of the Interior?
Commission to the Five Civilized Tribes
Filed April 15, 1905.
Tams Bixby, Chairman.

C O P Y .

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

United States of America,
Central Judicial District
Indian Territory.

7-D-486 .

Mary Posey, Intermarried Choctaw.

James Taylor having been by me first duly sworn according to law, states upon his oath that he is 55 years of age, a resident of Bokeshe, Indian Territory, and has been such for the last past life years; that he is personally acquainted with Senora Watt Williams, commonly known as "Watt" Williams, a Choctaw Indian by blood and had known him for the last all his life years.

Affiant further states that he remembers that Senora Watt Williams married a white woman, fifteen or sixteen years ago, named Mary Hoover and that the said Williams had never been married prior to his marriage with the said Mary Hoover.

(Signed) James Taylor P. M.

Subscribed and sworn to before me this 18 day of April, 1905.

(Signed) J. D. Shaw,
Notary Public.

(SEAL).

My Commission expires Feb. 5, 1907.

I further state that the affiant is trustworthy and worthy of belief.

(Signed) J. D. Shaw,
Notary Public.

Endorsed:

Department of the Interior
Commission to the five civilized tribes
Filed Apr. 21, 1905.
Tams Bixby, Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Posey as a citizen by intermarriage of the Choctaw Nation, and of William H. Williams as a citizen by blood of said nation.

J. G. Ralls of Ateka, Indian Territory, represented by V. Hicks, appearing for the plaintiff.

Mary Posey being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Posey is my name at the present time.
Q Is your name Mary Posey? A Yes sir.
Q What is your postoffice address? A Kiowa.
Q You are a white woman, are you? A Yes sir.
Q You have no Indian blood at all? A Not any that I know of.
Q You are an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation, are you? A Yes sir.
Q And you claim through your marriage to S. W. Williams, do you not? A Yes sir.
Q When were you married to Williams? A I was married to him in the fall of the year; cotton picking time.
Q What year? A I can't tell you what year.
Q About how many years ago was it? A Well, I guess my child by him is about 14 years old--I guess.
Q Where did you live when you married him? A I lived in Sans Bois bottoms.
Q That is in the Choctaw Nation? A Yes sir.
Q And he lived in the Choctaw nation did he, at that time?
Q Yes sir.
Q How long did you live with him? A I lived with him about seven months.
Q What happened at the end of seven months? A Well, he left.
Q Did you ever see him again? A No sir.
Q Where have you lived since you were married to him? A Well I have lived in several different places; I lived after we separated awhile in Sans Bois, and then we lived down by Colbert.
Q Have you lived anywhere else except in the Choctaw-Chickasaw country? A No, I have lived in the Choctaw nation since I was 11 years old; that is my natural home.
Q Were you ever married before you married Williams? A Yes sir.
Q How many times were you married before you married Williams?
A Only twice.
Q What was the name of your first husband? A Will Stidham.
Q How long did you live with Stidham? A I lived with him three or four years, I reckon; raised two children by him.
Q Was Stidham a white man? A Yes, he is a white man.
Q When were you married to him? A I don't know the year I was married to him.
Q About how many years was it before you married Williams?
A Why, several years before I married Williams, because I had been married once before he died.
Q You don't remember when it was that you married Williams, do you? A It was in the fall of the year when I married him, but I don't remember what year; I can't read nor write, and I can't keep count.

2-Bury Pease et al.

Q Then it was several years before you married Williams that you married Stidham? A Yes, I married Stidham first.

Q How long did you live with Stidham? A About three or four years. That was my first husband.

Q Then did he die? A Yes sir.

Q Then who did you marry? A I married Hoover.

Q Was he a white man? A Yes sir.

Q How long did you live with him? A I lived with him about two or three months I reckon; I don't know exactly how long.

Q You lived with him a few months? A About three months.

Q Then what happened to him? A He was just so mean and trifling that I left him; he was mean to my children.

Q Did you ever get a divorce from Hoover? A No sir.

Q Have you ever seen him since you left him? A No sir.

Q Did you ever hear of him since? A Yes, he died; I heard that he died in Arkansas. There was a white man wrote me that he died?

Q How long after you left him did you hear that he died?

A Pretty near a year I think.

Q How long was it after you heard that he was dead that you married Williams? A It must have been about a year, or maybe half a year; quite a spell before I married again.

Q Did you ever know a man by the name of Blankenship? A Yes, I was living in the house with Lush Blankenship when me and Williams was married.

Q You were never married to this man, Blankenship, were you?

A No, I never was.

Q You never lived with him as his wife? A No sir.

Q Did you know Mrs. Sarah E. Birchfield? A No, I never heard of that name before.

Q Didn't you ever live in a house that was owned by Mrs. Birchfield? A I never knew that person.

Q You say that you lived with Williams for about seven months?

A Yes sir.

Q Did you have any children by him? A I had one.

Q That child was born after Williams left you, wasn't it?

A Yes, six months after he left me.

Q It was about six months after he left you that this child was born? A Yes sir.

Q And all you know about the death of this man Hoover was that someone wrote you a letter saying that he was dead? A Jim Edmonson wrote me a letter from Arkansas that he died there.

Q Have you got that letter in your possession now? A Why, law knows its been so long, of course, it is lost, traveling around all the time.

Q Did you ever have any reason to believe that Hoover was dead except the information contained in this letter that you say that you received? A Any more than Pink Nelson told me that he was dead.

Q Outside of the statement made by Pink Nelson and this letter which you say you received from Edmonson, that was all the information you had to make you believe that Hoover was dead?

A Yes sir.

Q You never had any proof of his death? A No, but I was satisfied that he was dead.

Q Your former husband testified here in 1903 that shortly after he married you, your husband came into the settlement where you and he (Williams) were living, and that he found that you had never been divorced from this man Hoover? Now about that? A No, that aint so.

3-Mary Posey et al.

Q Did you ever see this man Hoover after he left you? A No, and nobody else.

Q He never came into the settlement where you were living with Williams? A No, he didn't; he never came back there.

Q You haven't any other way of proving that Hoover was dead before you married Williams, except just what you have stated here in regard to it? A That's all; I am satisfied that he is dead.

Q That man Stidham, you are sure that he was dead? A Yes, he was dead; I know that.

Q Stidham and Hoover were the only two men to whom you were ever married prior to the time you married Williams?

A Yes sir.

Q And you say that this child was born about six months after Williams left you? A Just as nearly as I can state.

Q You lived with Williams from the time that you married him until he deserted you, did you? A Yes, I did.

Q And you know of your own knowledge that William H. Williams is his child? A I do; I will swear to that.

Q Is this man, Pink Nelson, living now? A I don't know whether he is living now or not; the last time I saw him was last summer, a year ago.

Q When he told you that Hoover was dead, did he give you any details of his death? A He told me where he died at, just like the man written it; in Arkansas.

Q Whereabouts in Arkansas? A In Garland County, close to Mt. Ida, some place.

Examination by Mr. Hicks.

Q I think that you stated that your first husband's name was Will Stidham? A Yes sir.

Q Where did he die? A At Sans Bois bottoms.

Q Where? A At his father's home.

Q Where were you married to Marion Hoover? A At Sans Bois bottoms; at my father-in-law's house.

Q That was Stidham's father? A Yes sir.

Witness excused.

Ransom Posey being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Ransom Posey.

Q Are you the husband of Mary Posey, the applicant? A Yes sir.

Q Do you know anything at all about her former husband?

A Yes sir.

Q Do you know anything about this Marion Hoover that she was married to at one time? A Yes sir.

Q You were acquainted with him, were you? A Yes sir.

Q When and where did you know him? A In Garland county, Arkansas, about 10 miles from Hot Springs.

Q When was it that you knew him? A Well, I didn't keep the date of it, but it's been about 15 or 16 years ago; I haven't any education, I can't date anything.

Q Do you know whether that was before or after he was married to the woman who is now your wife? A That was after he married her, because he was telling me about her.

4-Mary Posey et al.

Q What was he telling about her? A He told me that he had a wife in the Territory, and he seemed to think that he could have one in the states and in the Territory too, and he was drinking when he was talking part of the time, and he up and told me that he had a wife in the Territory, and he said that her name was Mary Stidham when he married her. He married her at John Stidhams.

Q How long did you continue to know this Marion Hoover?

A I knew him about six or eight months and he was taken sick and died. When he come there he had an abscess on the lungs the Doctor said.

Q And you say he was taken sick and died? A Yes sir.

Q Were you present at the time he died? A I was present after he died; I was not right there when death was on him; I knew him before that and then I went and helped bury him.

Q You saw him in the coffin, did you? A Yes sir.

Q Do you know that this is the Marion Hoover who was once married to Mary Posey? A All I know is that he represented her as his wife, and said that she was a widow woman, and had one boy and one girl and her name was Stidham, and when he got all through telling me about it he up and told me that he had a woman there; he went off then, and in a short time he come back. He was complaining of his lungs and Dr. Harrison said that he couldn't do anything for him; he said "They will have to carry him out of here to some doctor that can do something for him."

Q Do you remember just when it was that he died? A Not exactly; I know the time of the year; it was June.

Q You don't remember the year in which he died? A I can't remember the year.

Q How long after he died did you stay in Arkansas? A I said there one or two years and then I went down to eastern Texas and staid a part of a year, and then came to the Territory

Q How long have you lived in the Territory? A I have lived here something near 11 years.

Q Have you lived here 11 years? A Pretty nearly, yes.

Q And before that you were in Texas for about six months?

A I don't remember exactly; I don't remember how long I was in Arkansas; I suppose something over a year; it was in the summer time that we buried him and I had to quit my farming to go.

Q Prior to your coming to the Territory you lived in Texas?

A Yes, I was in Texas for awhile.

Q How long did you live in Texas? A I lived there I expect three or four months; maybe longer.

Q Was it to exceed six months? A No, I don't suppose it was.

Q And prior to living in Texas, where did you live? A I lived in what they call Range county, Texas; I went down there to make ties and worked pretty near a month for a man and then I come over to the Territory; I don't remember how long I was in Texas.

Q But you were in Texas altogether, about six months? Is that right? And prior to your living in Texas you lived in Arkansas?

A I was living in Arkansas and the Territory too.

Q Before you went to Texas, where did you live? A Arkansas.

Q How long did you live in Arkansas? A I don't exactly remember, but I lived there maybe two years; I don't remember.

Q It was during these two years that you lived in Arkansas that Marion Hoover died, wasn't it? A I lived in Arkansas a long time. I mean after he died, I lived a year or two there

5-Mary Posey et al.

after he died; then I went to Texas and staid a little while and then came up to the Territory.

Q After Marion Hoover died you continued to live in Arkansas about two years? A Yes sir.

Q It was not more than two years? A No sir.

Q Then you went to Texas and staid there not to exceed six months? A Yes sir.

Q Then you came to the Territory? A Yes sir.

Q And you have been in the Territory 11 years? A Yes sir.

Q That would make it between 13 and 14 years ago when Marion Hoover died? A To the best of my recollection it has been 2 fifteen years; I might have staid in Arkansas longer than I thought I did. I staid in the Territory 1 year; I don't remember dates exactly; I havn't got no education.

Q But you are sure that you didn't live in Arkansas more than two years after the death of Marion Hoover? A I might have lived there longer, but I can't be sure.

Q Well, how much longer (No answer).

Q How much longer than two years did you continue to live in Arkansas, if any longer, after Hoover died? A I can't tell you to save my life, if it was any over two years or not; it was along about June somewhere that he died.

Q And you lived the balance of the year in which he died in Arkansas, and for two years after that year? A Yes sir.

Q And then you went to Texas for six months. A Yes--maybe over six months; I am not certain.

Q And then you came to the Territory? A Yes sir.

Q And have been here in the Territory for 11 years? A Yes, maybe I have been here a little longer; I have been here I expect 12 years. I lived in the Chickasaw Nation a year; then in the Choctaw something like 11 years.

Q When were you married to Mary Posey? A Married about 10 years ago on July 8th.

Q Of 1895? A I believe its 10 years; I don't know whether its this year or next.

Q How long had you lived in the Territory before you married her? A I lived here one year.

Q And it is either 9 or 10 years ago that you married her?

A Either 10 or 11; I don't remember.

Q You are sure that it is not more than 11? A No sir.

Q You are a white man? A Yes sir.

Q You have no Indian blood? A Well, I have Indian blood but I never made no claim; I seen no chance to prove it up.

Q You never made any application for enrollment in any of the Five Tribes? A No, I ought to if I got my best right.

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly reported the testimony and proceedings in the above entitled cause on the date above mentioned, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this June 19, 1905.

Chas E. Hester
Notary Public.

(COPY-DeB)

STATE OF ARKANSAS,
COUNTY OF YELL

W.L.LeFors being by me duly sworn to tell the whole truth deposes and saith as follows, that he is thirty five years of age and a resident of the above named state and county, that in the year 1889 and prior thereto he resided with his father in Montgomery county near Mount Ida.

This affiant further deposes and saith that he was acquainted with Marion Hoover during the said Hoovers lifetime, that Marion Hoover died near Mount Ida, in the summer sixteen years ago, that it was in the month of June or July in the year of 1889 and that this affiant would not be positive whether it was June or July.

This affiant further deposes and saith that he makes these statements of his own knowledge and that the deceased was burried near the home of this affiant.

This affiant further saith not.

W. L. LeFors.

Signed, acknowledged and sworn to before me at my office in Danville in the above named state and County on this the 9th day of October in the year 1905.

I. L. Pound.

(SEAL)
My Commission Expires Nov. 7, 1906.

Notary Public.

(ENDORSED)
DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

F I L E D

OCT 13, 1905.

Tams Bixby.

7
DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
D-453. Muskogee, Indian Territory, November 6, 1905 .

In the matter of the application for the enrollment of William H. Williams as a citizen by blood of the Choctaw Nation. J. G. Ralls, attorney of record for the applicant is represented by V. Hicks of Atoka, Indian Territory.

Mary Posey being first duly sworn, testified as follows:

Examination by the Commissioner:

Q State your name, age and postoffice address? A I don't know my age.

Q What is your name? A My name is Mary Posey or Mary Williams, just whatever you please to call it; that's more than I can tell.

Q Where do you live? A Kiowa.

Q You are a white woman? A Yes sir.

Q Were you ever married to a Choctaw man named Senora W. Williams? A If it was Williams I am. Looks like him.

Q When were you married to him. A I don't remember when it was. It appears from the records of this office that the witness was married to Senora W. Williams, a citizen by blood of the Choctaw Nation, in November, 1889.

Q How long did you live with Williams? A I lived with him six months.

Q Did you have any children? A Got one.

Q What is its name? A Willie Williams.

Q William H. Williams? A Yes.

Q Is that child still living? A Yes sir.

Q Where is he living? A At home with me.

Q Is that your child by Senora W. Williams? A That's my child by him.

Q When was that child born? A January 7th

Q What year? A I don't remember what year.

Q How old is the child at the present time? A Fourteen years old this last January, the 7th, but the year I don't remember.

Q You say he was fourteen years old on January 7th of the present year? A I think so; last past January.

Q What year is this? A I don't know.

Q Do you remember when they paid the money to the Choctaws in 1893, when they got the \$103 payment? A No, I don't remember nothing about it.

Q Did you ever try to draw any money for this child, William H. Williams? A Never did.

Q Do you remember when the Choctaws made the roll in 1886? A I heard them talk about it; I don't remember about it.

Q Did you try to get this boy of yours enrolled? A No sir.

Q Did you ever try to get this child enrolled? A Yes, I tried or he wouldn't have been enrolled.

Q I mean by the Choctaw Nation--enrolling committees of the Choctaw Nation.

A Yes, he was enrolled before Telle died.

Q When was that? A I don't remember when it was. Telle was the first that registered or enrolled the child.

2-William H. Williams.

Q You say that you lived with Watt (Senora W.) Williams about four or five months? A Six months I said.
Q Did you live with anyone after you left him? A No, not until I married again, I didn't.
Q When were you married again? A When I married this man that I am with now.
Q What is his name? A Ransom Posey.
Q How long ago did you marry him? A I don't know how long, but its been a good bit ago. You will find when I was married to him by writing to Sherman. I was married right there.
Witness excused.

Senora Williams being first duly sworn testified as follows:
By the Commissioner:

Q What is your name? A Senora W. Williams.
Q Your age and postoffice address? A Age 38; post office address, Panama, Indian Territory.
Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.
The witness is identified as Senora W. Williams on Choctaw Roll Card Field No. 2748, opposite No. 8052 on the final roll of citizens by blood of the Choctaw Nation as approved by the Secretary of the Interior.
Q Were you married to a woman named Mary Posey? A I was married to a woman that went by the name of Hoover at that time.
Q Present name Posey? A Yes, I suppose so.
Q When were you married to her? A When I was twenty-one.
Q What year was that in? A 1888 I believe.
Q Do you know the month you were married? A I disremember the month.
Q How long did you live with her? A Four to six weeks; somewhere along there.
Q Did you have any children by this woman? A Not that I know of.
Q Mary Posey has made application for the enrollment of William H. Williams as a citizen by blood of the Choctaw Nation, and claims that William H. Williams is her child by her marriage to you. Did you ever know of any such child? A No sir.
From the time I quit her until today is the first time I have seen her, even.
Q Did you ever hear of such a child? A No sir.
Q Do you know anything about it? A No, I know nothing at all about it.
Q You say that you lived with this woman, Mary Hoover, or Posey, four or five months? A Four or six weeks.
Q And you have never seen her since you left her up to the present time? A No, I have never seen her until today.
Q You know absolutely nothing about her having a child by you?
A No sir.

Witness excused.

Mary Posey, being recalled, testified as follows:
By the Commissioner.

Q Where is this child? A Down home, within three miles of Kiowa.

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Frances R. Lane upon oath states that as stenographer to the

3-William H. Williams.

Page 017

Commissioner to the Five Civilized Tribes she correctly reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

James P. Lane

Subscribed and sworn to before me this November 9, 1905.

Edward Merrick

Notary Public.

7-D-468
7-2948.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, November 6, 1905.

In the matter of the application for the enrollment of
Mary Posey (7-D-468) as a citizen by intermarriage of the
Choctaw Nation,

A n d

In the matter of the application for the enrollment of
Sarah E. Williams (7-D-468) a citizen by intermarriage of the
Choctaw Nation.

APPEARANCES: (For the applicant, Mary Posey, V. Hicks, appearing
(for J. G. Ralls, of Atoka, Indian Territory
(For the applicant, Sarah E. Williams, Thomas
(R. Dean, appearing for the firm of McKennon &
(Dean, of South McAlester, Indian Territory.

On June 10, 1904, the Commission to the Five Civilized
Tribes rendered a decision enrolling Sarah E. Williams
as a citizen by intermarriage of the Choctaw Nation, it
appearing from the record in said case that the applicant
Sarah E. Williams was lawfully married on August 28,
1898, to Senora Williams, a recognized and enrolled
citizen by blood of the Choctaw Nation whose name ap-
pears as No. 8052 upon the final roll of citizens by
blood of the Choctaw Nation, approved by the Secretary
of the Interior

On June 15, 1905, Mary Posey, an applicant for enroll-
ment as a citizen by intermarriage of the Choctaw Na-
tion, testified that she claimed her right as such citi-
zen by reason of her marriage to said Senora W. Wil-
liams in November, 1889.

In the matter of the application of Sarah E. Williams
for enrollment as a citizen by intermarriage of the
Choctaw Nation her husband, Senora W. Williams, testi-
fied that Mary Posey was living at the time of his mar-
riage to Sarah E. Williams, but that his marriage to the
applicant Mary Posey, was a nullity for the reason that
she had a living husband from whom she had not been
legally divorced at the time of his alleged marriage to
her in November, 1889.

The record in the matter of the application for the en-
rollment of Mary Posey as an intermarried citizen of the

2-Mary Posey & Sarah E. Williams.

Choctaw Nation shows that she had no living husband at the time of her marriage to Senora W. Williams in November, 1889.

Mary Posey being first duly sworn testified as follows:

Examination by the Commissioner.

Q What is your name? A My name at the present time is Mary Posey.

Q How old are you, and what is your postoffice address?

A My postoffice address now is Kiowa. My age I don't exactly know for I got it burned up when the house got burned up.

Q You are the same Mary Posey who has heretofore made application to the Commission to the Five Civilized Tribes for enrollment as an intermarried Choctaw, claiming your right by reason of your marriage to a Choctaw Indian named Senora W. Williams, in November, 1889? A Yes sir.

Examination by Mr. Hicks:

Q Mrs. Posey, do you remember how long ago it was that you married "Watt" Williams (meaning Senora W. Williams).

A I don't exactly know. I can't keep up with dates because I can't read nor write.

Q I will ask you whether or not you had heard that Marion Hoover was dead before you married Senora Williams? A Yes, he was dead; if he hadn't a been I wouldn't married again.

Q How did you learn that fact? A It was wrote to me.

Q And you got that letter before you married Williams? A Yes, before I married him.

Examination by Mr. Dean.

Q When did you marry Marion Hoover? A I don't know sir, how long ago its been; its been about sixteen year I don't know when I married him now, to tell the truth. I don't--I married him--it was close to, about, somewhere along--I don't remember. I never tried to keep up with it.

Q How long did you live with him? A I lived with him three or four months, somewhere along there.

Q Where did you marry him? A I married him in Sans Bois bottoms.

Q Choctaw Nation? A Yes, Choctaw Nation.

Q Did you leave him or did he leave you? A He left me--we both left. He left me and I left too.

Q You both left each other? A Yes.

Q Did you get a divorce from him? A From Marion Hoover?

Q Yes. A No, I didn't need one after he was dead; he died I tell you.

Q How long did you live single before you married Williams?

A After I got that letter that he was dead and I knew he was dead, the best I can remember--I can't say. The best I can remember though, it was three or four months, it might have been a little longer I married Watt.

Q How long had you been living separate from Hoover when you received this letter telling you that he was dead? A We had been separated a good little bit. I don't know exactly how long.

Q About how long? A Well, I can't tell you about how long for I don't remember.

Q You haven't any idea? A No, I don't because I might make it a little longer than it was and I might make it shorter.

Q Had it been a year? A I don't think it had been quite a year.

3-Mary Fossey & Sarah V. Williams

- Q You think it had been six months? A Might have been somewhere along there the best I remember.
- Q You think it might have been less than six months? A I don't know; might have been; I don't think it was.
- Q Might have been less than six months? (No answer)
- Q You don't know where he went when he left you? A Went to Arkansas; at least, that's where he told me he was going.
- Q He left the Territory, did he? A Yes, he left the Territory
- Q And you haven't seen him since? A No, I haven't heard anything till I heard he was dead; never laid eyes on him.
- Q Who wrote you this letter telling you that he was dead?
- A Edmonson, I think was his name; I had his letter and I got my kitchen burned up and I got his letter burned up with it.
- Q When was that? A That's been a long time, when I was living at Atoka.
- Q The kitchen burned up before or after you married Williams?
- A After I married him; after I and him was separated, but I had this letter all right.
- Q Where did Edmonson live? A He lived in Arkansas where he went.
- Q Whereabouts in Arkansas? A Let me see if I can think of the place--Garland county I think.
- Q Do you remember the name of the town or postoffice? A No, I don't remember nothing about that.
- Q How did he happen to write you this? A I can't tell you how come him to do it, nothing about that unless he got him to write me he was going to die or did die, or something. I don't know how he come to.
- Q You don't know unless he got Edmonson to write you that he was going to die? A I don't know how; he wrote it to me like anybody else would.
- Q Did you know this man Edmonson? A I wasn't well acquainted with him.
- Q Did you know him at all? A Yes, I knowed him; I wasn't well acquainted with him.
- Q Where did you know Edmonson? A I got acquainted with Edmonson in Sans Bois bottoms.
- Q Did he live in the Choctaw Nation? A He did once and then when he left here he went to Arkansas I suppose; that was where he was going.
- Q That was where he said he was going? A Yes, that was where I got that letter from anyway.
- Q You hadn't written to him? A No, I didn't know--no, I hadn't written to him.
- Q Did you make any reply to that letter? A No, I never answered it. I cared so little about it I never answered it. I never cared enough about it to answer it.
- Q Did he tell you about the date, or what time he died?
- A No, just wrote he was dead, and then I think Pink Nelson come along and told me he was dead. But where he is now, I can't tell you that.
- Q Did Pink Nelson say he was dead? A Yes sir.
- Q Who is Pink Nelson? A Pink Nelson, all I knew.
- Q Was he an Indian citizen? A No, his wife used to be though till she died. She used to be widow Parish, but she is dead now.
- Q He was denied citizenship wasn't he? A I don't know a thing about him.
- Q Did he know your husband, McEver? A Yes, he knowed him.
- Q Did he say that he knew that he was dead, or that he heard he was dead? A He said he knew he was dead. He said, "Did you know he was dead?" and I said, yes I got a letter. He says,

4-Mary Posey & Sarah E. Williams.

"He's sure dead". That's the words what he used.

Q Did he have any property, Hoover? A Not at that time, when I lived with him.

Q Had he any since? A I don't know; I don't know what he did after he left me; I never did see him any more.

Q Had you ever married before you married Hoover? A Yes, I was married before I married him.

Q To whom? A Bill Stidham; some calls him Will.

Q When did you marry him? A I don't know when I married him.

Q Where did you marry him? A Married him in the Choctaw Nation some place.

Q Some place in the Choctaw Nation? You don't know where?

A No, they called it first one place and then another. They called that place where me and him was married Tallyville. I can't read and I don't know anything about it.

Q How long did you live with Will Stidham? A Lived with him a good bit. I got two children by him.

Q Well, how long? A I don't know.

Q Was it five years? A Yes, I guess it was.

Q Lived with him about five years? A Yes, might have been longer. Know I have got two children by him.

Q What became of him? Did he die? A He died.

Q Were you living with him when he died? A Yes sir.

Q You had not separated from him? A No, I lived with him.

Q Where did you live when he died? A Sans Bois bottoms, when he died.

Q What was your postoffice there? Tawaha? A I don't know I never write no letters and don't pay no attention to any post-office and I don't bother after no postoffices at all; if I was to get a letter today I couldn't read it.

Q Are those two children living now? A Yes sir.

Q What are their names? A My oldest son is Moll Stidham and my oldest daughter is Viola Stidham.

Q Where does Moll Stidham live? A At home three miles from Kiowa.

Q How old is he? A He will be twenty if I aint mistaken the 23rd day of this coming January. I had the ages all set down and they got destroyed.

Q Is Kiowa his postoffice? A Yes sir.

Q Were you married to anyone else before you were married to Will Stidham? A No sir.

Q Never? A No sir.

Q How many husbands have you had? A Well, my first hus and was Will Stidham and the next husband was Marion Hoover and the next husband was Watt Williams.

Q This man that is present now? A Guess that's his name; looks like him

Q Also called Senora Williams? A I don't know; I only know what he told me his name was.

Q Wasn't you married to a man by the name of Will Blankinship? A No. Can he find a marriage between me and Will Blankinship? No. If he can I would like to see a marriage between me and Blankinship. I was staying at Lish Blankinships when me and him (meaning Williams) was married; his wife was living at that time and I was living there with them.

Q When you and---

A When me and Watt was married right there; he was staying with an old gentleman by the name of McCall; there was a little space between the houses, and I got acquainted with him.

Q Were Lish Blankinship and Will Blankinship related?

A I guess they was.

Q What relation? A Will and Lish I suppose was brothers; at

5-Mary Posey and Sarah E. Williams.

least they claimed to be, and Gilbert--but I wasn't married to him; he can't find any marriage between us either.

Q How long had you been living there at Blankinships?

A Before I married Watt?

Q Yes.

A I don't suppose two months. I come there to pick cotton and Watt and I picked cotton at the same place.

Q How long had you known Will Blankinship at that time?

A I don't know; I got acquainted with him just passing around. I wasn't to say acquainted with him; I just knew him when I seen him.

Q At that time you were the widow of Will Stidham were you, at the time you were living at Blankinships? A No, I had been married to Hoover, now mind you, and then I got acquainted with Watt and married him right there.

Q You were widow Hoover at that time? A Yes sir.

Q Did you go to Blankinships immediately after you and Hoover separated. A No, I went to my dady-in-law; my first husband's parents and staid there off and on along a good long while. Whenever I took a notion to go back home I would go, ; when I got ready I just come to my dady-in-laws, and I had just gone from there to Laha's to pick cotton, and I got acquainted with Watt; they was principally keeping my oldest child when I would hire out; when I would be hired out his grandmother would keep him a good many times.

Q Did you ever write over there to this place in Arkansas or any other place, to ascertain whether or not Marion Hoover was dead? A No, I don't write

Q Did you ever have anyone write for you? A No. The most writing I have ever had done is since I commenced to work at this here right. I don't ever write to my sisters because I can't write myself and I don't bother nobody with it.

Q You never wrote to any person, or had anyone write, to ascertain whether or not he was dead? A No.

Q Did you inquire of anyone or get anyone to ascertain whether or not he was dead or living? A No.

Q Did you receive this letter before or after you and Watt Williams were married? A I received this letter before we was married, and could have showed it to Williams then if I had wanted to, but I didn't think it was any of his business about the letter.

Q You didn't think it was any of his business whether Hoover was living? A I knew Hoover was dead, and if he aint, I would love to see him.

Q You knew he was dead? A Yes.

Q And the only way you knew was that you received a letter saying that he was dead? A I received a letter, and I knew it was a fact or he wouldn't wrote it, and more than that, Pink told me he was dead, and I knew he was dead.

Q Had Pink Nelson been over in Arkansas? A I don't know where he was; he traveled all the time.

Q Pink Nelson was living in the Territory at that time? Wasn't he living at Tanaha? A I don't know.

Q Wasn't he living at Gans Bois Bottoms on the widow Parrish farm? A I don't know. She had some children that was going to take that farm from him; I don't know where he was living. She had some children they said took the place away from him.

Q How long had you known Watt Williams when you married him? A I hadn't been acquainted with him more than two months, like I told you, if I was acquainted with him that long.

Q If that long? A Yes.

Q Did you tell him that you and Hoover had been married and

G-Mary Posey and Sarah E. Williams.

Separated? A No, I don't think I ever told him about Hoover. I don't know whether I did or not.

Q And you didn't tell him that Hoover was dead? A If ever I told anything to him I don't know. I don't know whether I did or not. I never told him he was living, I can tell you that.

Q Did you tell him anything about receiving this letter?

A I don't know.

Q Informing you that Hoover was dead? A I couldn't say I did or didn't because I don't know whether I did. I don't think I said anything about it.

Q You don't think you said anything about it or showed him the letter? A He couldn't have read it if I had showed it to him.

Q Do you know that he couldn't read? A No, I don't know. I don't suppose he can, can he? If he couldn't read and I showed it to him he wouldn't know whether it was that or not, if he was like me to have someone read it for him.

Q Didn't you know that it was an important question to know whether or not Hoover was dead if you and Watt were going to marry? A I know he was dead, I tell you, or I wouldn't have married him.

Q You said a minute ago that it was none of his business.

A Of course, I said that; I don't know whether I told him or not.

Q But you said a minute ago that it was none of his business.

A I said I didn't think it was; he was dead and that was enough.

Q You received a letter from a man that you didn't hardly know, saying that he was dead? A I knew that I got a letter, and then I knew one come along saying that he was dead. I knew that too.

Q Was that before you received the letter or after that Pink Nelson told you this? A It wasn't far from the time.

Q Well, was it before or after? A I couldn't be certain but I believe he told me before I got the letter that he was dead. I wouldn't be certain about it.

Q You think it was before? A I think he told me before I got the letter but I wouldn't be certain but I think I knew then that he was dead.

Q How long before you got the letter? A I don't know just how long after I got the letter he told me that he was dead.

Q Isn't it a fact, Mrs. Posey, that you told Watt Williams that you had been married to two or three other men, but that you had been divorced from them? Divorced from each one of them?

A I never told him that.

Q And that you could show the decrees of divorce? A Did I tell him that?

A Yes. A No, I never.

Q Was it a fact? A I don't know I tell you, what I told him

Q You don't know what you told him? A No, I never paid no attention to that I did tell him, but I know I didn't need any divorce from him because he was dead, and I know they was both dead. How would I need any divorce to marry him.

Q And didn't he, a short time after you and he were married, demand of you copies of the decrees of divorce? A What? Watt, do you mean? I can't understand anything like that, like you spoke.

7-Mary Posey & Sarah A. Williams.

Q Didn't he ask you, a little while after he and you were married, to show him the decrees of divorce, or copies?

A No, he never asked me to show him nothing.

Q The papers showing that you had been divorced from these men?

A No, never did.

Q Was that the reason why he left you, because you wouldn't show them? A No sir, I know what he left me for.

Q What was it? A I will have that writ do n and handed to you before I leave here, and I can prove it.

Q It was of such a nature that you don't care to answer?

A That's right.

Q Was it a charge he made against you? Was it something with which he charged you that he left you? A No. You shall know what it was before I leave.

Q He said nothing about your being unable to show divorces from these men? A He never said anything to me about divorces in any way.

Q Did your former husband, Marion Hoover, have any brothers or sisters? A No, I never seen any of his connections nowhere. I don't know nothing about his connection. If there was anybody but himself I never seen them.

Q Do you know when he came to the Territory? A No, I don't

Q He was a white man wasn't he? A Yes, he is a white man.

Q How long had you known him when you married him? A Well, I hadn't known him long.

Q Thirty days? A Yes, I guess it was thirty days.

Q Longer? A Might have been longer. I don't know.

Q Do you know whether or not he had a wife living when you married him? A I don't know nothing about whether he had another wife or not.

Q Did you ever ask him? A No, I did not.

Q You didn't care much did you? A Well, I just never asked him anything about it. I thought if he had another one he would tell me about it. I don't know anything about whether he had another wife or not.

Examination by the Commissioner:

Q How long did you live with Williams? A Oh, I don't remember how long I lived with Williams. I didn't keep up with the time I lived with him or when we separated or nothing about it exactly, because I couldn't.

Q You were married to him in November, 1889, wasn't you?

A I reckon I was; I don't know. Married in the fall I know, about cotton picking time.

Q Did you live with him a year? A No, I didn't live with him no year.

Q How long did you live with Williams all together, as man and wife? A Well, I don't know how long it was.

Q None of your other husbands except Williams were Choctaw Indians, were they? A No, the other two was white men.

Q Do you know where Pink Williams lives now? A No, I don't

Examination by Mr. Dean.

Q Did you leave Williams or did he leave you? A He left me right at Lish Blankinship's. Right in the house of Lish Blankinship.

8-Mary Hoesy and Sarah E. Williams.

Q You didn't both of you agree to it like Hoover and you?

A No, he just naturally left me. I married him to live with him, and he left me.

Q The fact is you didn't live with him more than six weeks?

A I think it was longer than that. Seemed to me like it was.
Witness excused.

Senora W. Williams, being first duly sworn testified as follows:

Examination by the Commissioner.

Q What is your name? A Senora W. Williams.

Q Your age? A Thirty-five

Q Where do you live? A Panama.

Q Are you a citizen by blood of the Choctaw Nation.

A Yes sir.

The witness is identified upon the records of this office on Choctaw Roll Card Field No. 2748, and upon the final roll of citizens by blood of the Choctaw Nation, approved by the Secretary of the Interior as Senora W. Williams, opposite No. 8052.

Examination by Mr. Dean.

Q You were at one time married to Mary Hoover, were you not?

A Yes sir.

Q Where were you married to her? A I was married at Cowlington, Indian Territory.

Q Did you have a license? A No sir.

Q No license at all? A No sir.

Q According to what law did you marry?

A Well, I don't know whether it was called law, just went to a parson.

Q Just took her and went to a parson? Preacher, you mean?

A Yes sir.

Q Who married you? A R. L. Townley.

Q Where did you go from to Cowlington to be married?

A Went to Blain bottoms.

Q How did you travel to get there? A I went horseback.

Q You and your wife on the same horse? A Yes sir.

Q How long had you known Mary Hoover at that time? A About four or six weeks, somewhere along there; just a short time.

Q Did you have any information that she had any other husbands before you were married? A I knew she had had husbands. I was told so.

Q Did you make any inquiry of her as to whether or not they were dead or she had been divorced from them? A No, I never made any inquiry.

Q Did she tell you whether or not she had been divorced from them? A She told me she was.

Q Did she tell you the names of them? A Yes sir.

Q She said she was divorced from each of them? A She said she was, yes.

Q Did you ask her anything about being able to show that she was divorced from them? A Not until after her and I was married.

Q Not until after you were married? A Yes.

Q What did you say to her about it then? A I asked her, and told her I would like to see copies of them.

Q Copies of the decrees of divorce? A Yes sir.

Q Did she show them to you? A No, she didn't

9-Mary Posey & Sarah M. Williams.

Q What reason did she give you for not doing it? A Didn't have them I suppose.

Q Why did you ask her for them? A Because I looked at it this way: If she had been married and not divorced we would be living together in adultery, and also be punished together and I tried to abide by the law. I was raised to abide by the law and the reason I quit her I didn't think I was living right to live in adultery.

Q Did you have any information after you had been married to her that she had not been divorced from these men? A Lish Blankinship said something to that effect; something about not being divorced.

By Mr. Hicks. We object to this testimony as being hearsay evidence.

Q Did anyone else say anything to you about it? A No, not that I know of.

Q What husbands did you understand she had had before she married you? A Will Blankinship, Will Stidham and Hoover. I don't call his given name; never heard his given name spoken until this morning; if I did, I don't recollect it, and I have got a pretty good recollection now.

Q How did you hear that Will Blankinship was her husband?

A Talking with Lish Blankinship, Will's brother.

Q Did he say that Will Blankinship and Mary Hoover had been married? A Yes sir.

Q Where did Lish Blankinship live? A Lived in Blain bottoms at that time.

Q Near Will Blankinship? A No, I don't think Will was living there at all, at that time.

Q Where is Lish Blankinship now? A I don't know; I heard he was dead; I couldn't be sure that he is.

Q How long since you have seen him? A I can soon tell you; about 12 years ago.

Q Where did you last see him? A Seen him at South Canadian.

Q Choctaw Nation? A Yes sir.

Q Have you heard of him since? A I have heard since that he was dead.

Q Do you know what became of Will Blankinship? A No, I don't.

Q Did you ever hear of his being dead? A No, I haven't heard that he was dead or living, not since I seen Lish Blankinship.

Q Do you know what became of Will Stidham? A No, I don't.

Q Do you know whether he is dead or living? A I can't say whether he is dead or living.

Q Do you know whether or not he was living at the time you married Mary Hoover? A I seen a man that they called Will Stidham in Blain bottoms; talked with him.

Q Was he the Will Stidham that said to be her former husband? A Yes sir.

Q Did you see him after you were married? A I seen him just before, and I couldn't be sure but I think I seen him afterwards. He was staying at Blains bottoms himself at the present time.

Q At that time you mean? A Yes sir.

Q Did he have a wife at that time? A No, he was a widower.

Q And you understood that he had been divorced? A Yes.

Q That is, before or after you were married to Mary Hoover?

A Afterwards.

Q You say you lived with Mary Hoover about six weeks? A Somewhere right in the neighborhood of four or six weeks.

10-Mary Posey & Sarah E. Williams.

- Q Did you leave her or did she leave you? A I left her.
- Q Why. A I didn't feel right living in adultery if all reports was true. I didn't want to be punished by any law for adultery.
- Q Did you investigate the question as to whether or not she had been divorced from her former husbands. Did you inquire into that question
- A Not after I left there I didn't.
- Q Before? A Nothing only what I stated just now. The questions I asked her.
- Q Did you ever make any other effort before or after that time to find out whether or not she had been divorced from these men?
- A Well, I went to an old lady we all knew by the name of Sarah Tyler, but that wasn't her name.
- Q What was her name? A Birchfield. Sarah Birchfield.
- Q For what purpose did you go to her?
- A To see if she had any divorce or if she ever had any divorce from them men.
- Q What information did she give you? A I disremember what the copy reads. I had a copy here in the land office.
- Q You mean here with the Daves Commission, copy of her affidavit? A Yes, before a Notary Public. I would n't try to quote her affidavit. I just received a copy of it and sent it on at their request.
- Q Did you file them on behalf of the application of your wife, Sarah E. Williams? A Yes sir.
- Q Did you ever know a man by the name of E. B. Blankinship?
- A Yes sir.
- Q Is that the man you spoke awhile ago of as Liah Blankinship?
- A Yes sir.
- Q Did you see him to make inquiry in this matter of Mary Hoover's former marriages? A Yes sir.
- Q What information, if any, did you receive from him? A After he made that statement he said that he wouldn't say that she was not divorced from Will Blankinship on account of getting him into trouble.
- Q Getting whom into trouble? A Will Blankinship, his brother.
- Q Is this an affidavit that he made to that effect? A Yes sir.

By Mr. Dean: We offer in evidence the affidavit of E. B. Blankinship in behalf of the applicant, Sarah E. Williams. Said affidavit is marked Exhibit A. and made a part of this record.

Mr. Hicks, on behalf of the applicant, Mary Hoover, objects to the filing of the affidavit of E. B. Blankinship in this case for the reasons, first: It is signed by mark and there are no witnesses to the mark; second, that there is no proof of the execution of the affidavit; third, that it is not admissible for the purpose for which it is offered; fourth, it is not the best evidence as the marriage license and certificate should be introduced if marriage is attempted to be proved between Will Blankinship and Mary Hoover.

- Q Then you left this woman, Mary Hoover, upon learning that she had not been divorced?

Mr. Hicks objects to the form of the question as leading.

- Q Have you married since that time? A Yes sir.
- Q How long after that before you married?
- A I think I married this other one and lived with her something

11-Mary Posey & Sarah E. Williams.

near ten years before I married Sarah E. Williams.

Q Had you married some other woman before that time? A Yes.

Q Who was that? A Her maiden name was Emma Perkins, but she married a fellow by the name of Rush.

Q You married Emma Rush? A Yes sir.

Q How long after you were separated from Mary Hoover before you married Emma Rush? A Something like five years.

Q Do you know what became of Mary Hoover in the meantime?

A No, I didn't know where she was at.

Q Had you heard anything from her? A No sir.

Q Did you know where she went to live after you left her?

A No, I didn't; I left her at Lish Blankinships'

In blain bottoms, in the Cheetaw Nation? A Yes sir.

Q When did you next see her? A This morning, right here.

Q The first time? A Yes sir.

Q Had you heard of her in the meantime? A I have heard of her I think in the past two or three years.

Q Up to that time you had not heard of her since you left her?

A No sir.

Q How long did you live with Emma Rush?

A About 18 months.

Q What became of her? A She went back to her folks in Ark.

Q Were you and she ever divorced? A Yes, the Daves Commission had got a copy of it right here in the house.

Q Copy of the decree of divorce? A Yes sir.

Q How long after that before you married Sarah E. Williams?

A Must have been something near five years; been married ten years from the time of my marriage to her until I was married to Sarah E. Williams.

Q You mean ten years between the time you married Mary Hoover and Sarah E. Williams, your present wife? A Yes sir.

Q Did you ever see Marion Hoover to know him? A No sir.

Q You were not personally acquainted with him? A No, if that wasn't him that Lish Blankinship showed me I never seen him.

If it was, I have seen him but not to speak to him.

Q When did Lish Blankinship point him out to you? A The same fall her and I was married; couple of three weeks afterwards.

Q Couple or three weeks after you and she were married?

A Yes sir.

Q Whereabouts? A Down in the Blain bottoms; Blankinship and I was walking down to the race tracks where they was fixing to run some races.

Q Was anyone else along with you and heard? A Just him and I.

Q Was that anybody along with the man that was pointed out to you as Marion Hoover? A Yes, another fellow walking along with him.

Q Do you know who he was? A No sir.

Q Was he a stranger to you? A Yes sir.

Q How close were you to them? A Must have been thirty or forty yards.

Q What did he say about this man in directing your attention to him? A He said, there went Hoover, the woman's husband I was living with.

Q Anything else said about him? A No, never had no more conversation about that.

Q Which way did he go? A Going up towards the store.

Q What store? A In Blain bottoms; I just don't remember who was running it then.

Q Where were you and Lish Blankinship going? A Going down to the race tracks to watch a couple of peeps come through.

12-Mary Posey & Sarah E. Williams.

Q Do you remember what kind of a looking man he was? A No, I don't; I never paid much attention.

Q About how far did you say you were from him? A About thirty or forty yards.

Q Did that circumstance lead you to investigate this question of her divorce from him, or not? A Yes. I didn't know what his intention was if that was him that Blankinship showed me.

Q Was it then that you made this demand upon her for papers of divorce from him? A Yes. I wanted to know that I was living lawfully was what I was after, and if I wasn't living lawfully I was uneasy; if I was, I wasn't uneasy of no man hurting me and I had as much of the law to back me as he did.

Q What reply did she make when you asked this proof from her? A She didn't have it.

Q Said she didn't have it? A Yes sir.

Q Did she say anything to you about having a letter? A No sir.

Q Said nothing about having a letter informing her that Hoover was dead? A No, never said a word to me about it.

Q Did she ever at any time before or after you were married show you a letter to that effect? A No sir.

Q You heard her testify regarding that letter; when did you first hear of that letter? A That Hoover was dead?

Q Yes. A This morning.

Q That was the first time? A Yes sir.

Q Never heard of that letter before? A Not till this morning.

Q Did you know Pink Nelson? A I personally knew him but I wasn't really acquainted with him.

Q What do you mean by that? A I knew him when I met him.

Q You knew him when you saw him? A Yes sir.

Q That is Pink Nelson? A Yes.

Q You wasn't personally acquainted with him? A No, not in one sense of the word, I wasn't.

Q Do you know where he is now? A No, I don't.

Examination by Mr. Hicks:

Q I think you said Mr. Williams, that you never saw Marion Hoover but one time? A One time was all.

Q About thirty or forty yards from him then? A Yes sir.

Q You don't know of your own knowledge that you ever saw him at all? A I just got that man's word for it.

Q What Mr. Blankinship told you? A Yes sir.

Q This man Blankinship also told you that she had married his brother, Will, at the same time? A Yes sir.

Q I believe you said that you didn't remember what kind of a looking man Hoover was? A No, I don't remember.

Q You don't remember whether he was an old man or a young man do you? A I don't remember what kind of a looking man he was.

Q You don't know whether he was a large or small man? A No.

Q You say that when Blankinship told you that that was Marion Hoover you then went home to your wife and asked her about the divorce? A Yes sir.

Q And she told you that she couldn't show you any divorce? A Yes sir.

Q Did you ask for a divorce from Hoover or Blankinship or Stidham? A Asked her a copy from them all.

Q I think you said that you never did see this man, Will Blankinship? A I seen him.

Q You saw him? A Yes.

Q Did you ever see Stidham? A Yes.

Q Where did you see him? A Saw him in Blain bottoms.

13-Mary Posey & Sarah E. Williams.

Q How long ago? A Since the fall her and I was married.
Q Who was with you at that time. A I seen him several times.
Q I believe you stated that you never saw him but one time.
A Hoover?
Q Yes. Didn't you also state that you saw Stidham but one time? A No sir.
Q You saw him several times? A Yes sir.
Q Do you know where he is now? A No, I don't.
Q Was anyone with you when you saw him? A There was several of them with me.
Q Do you remember any of their names? A Jack Moore.
Q Do you remember what kind of a looking man Stidham was?
A I do not.
Q Don't remember whether he was an old man? A Wasn't so old, I wouldn't think.
Q Was he forty years old? A I couldn't tell you.
Q You couldn't estimate that, over or under forty?
A No sir.
Q Do you remember whether he was a large or small man? To the best of your recollection? (No answer)
Q Was he a fat man or a lean man, what is your recollection?
A I don't know which.
Q Do you remember the color of his hair? A No sir.
Q Do you remember whether he wore a beard or was close shaven?
A No.
Q This Will Blankinship, did you say whether you had seen him or not? A Yes, I have seen him.
Q How many times? A Several times. He had been in my mothers house when I was a small boy.
Q Was he a brother of Liah Blankinship? A Yes sir.
Q Liah and E. B. Blankinship, the one who has made an affidavit, are one and the same person? A Yes sir.
Q Do you remember how old Will Blankinship was? A No sir.
Q Would you guess he was forty years old? A I don't suppose he would be over thirty-five.
Q About thirty-five? A I don't know just how old he was.
Q That was when you were a small boy? A No; when I was a small boy he was just a little larger than I was; grown up just close in he same settlement.
Q How long has it been since you saw Will Blankinship?
A I guess about 18 years.
Q Then you have naturally forgot a good deal, about how he looked? A Yes sir.
Q You couldn't state whether he was a large or small man?
A To the best of my recollection he was a tolerable large man; between what you call a middle sized man and a large man.
Q Do you remember whether he had dark hair? or light hair?
A Dark hair I believe.
Q Are you positive about that? A No sir.
Q You couldn't be positive? Now, when you say that Liah Blankinship pointed out to you a man who he said was Marion Hoover at the race tract, what did you do then relative to your marriage with Mary Hoover? I mean, what action did you take then? A Well, sir, I don't know, hardly; it just felt to me like I was living with another man's wife and I had better begin to see around and get out of the trouble, if I was in trouble.
Q What action did you take to see around and get out of trouble?
A After I went back home I asked her about them papers.
Q And she couldn't show them? A No.

Q Then what did you do? A In a short time I got on my horse and pulled out for home.

Q How long? A I don't know.

Q Did you say it was a month you were married? A Didn't look to be over four or six weeks.

Q How long did you say you staid after you learned this?

A I wouldn't be positive just how long.

Q Was it as much as five days? A It was long enough for me to sell a yoke of steers and get another horse and saddle.

Q You think it was 2-3-4-5- days? A Yes.

Q Then what did you do? A I got a wagon traded off for a horse and saddle and went home.

Q Did you take any other steps? A No, not until after I struck Blankinship up here and he made that statement.

Q That was about four or five years later, wasn't it?

A Something near that time.

Q You went in and she didn't have or couldn't show the papers, the copies of the decrees of divorce and you left, and then about four or five years later you got Blankinship to make this statement? A Yes sir.

Q You didn't apply for any divorce or anything of that kind, did you? A I talked with one or two Indian lawyers and stated the case to them like I have here, and they said that I didn't need it.

Q And you didn't do anything else? A No sir.

Q Didn't make application for divorce? A No sir.

Q You didn't go before a Notary Public and attempt to do anything of the kind? A Just them statements you see.

Q Just these affidavits is all you did besides leaving?

A Yes sir.

Q That woman named Birchfield that you speak of; you said that that wasn't her right name? A I said I knew her by the name of Sarah Tyler, but Tyler was not her right name.

Q Is she living now? A I don't know; suppose so.

Q Were you acquainted with that Mrs. Birchfield? A Yes, I seen her a few times.

Q You wasn't personally acquainted with her then? A No.

Q You knew her by sight? A Yes sir.

Q Do you know how old a woman she was? A No sir.

Q You wouldn't undertake to state then, how old she was?

A No, I wouldn't undertake at all.

Q Would you guess she was as much as fifty years old? A She was an old like woman

Q Do you remember whether her hair was black or red or what color it was? A No, I don't.

Q You don't remember that? A No sir.

Q Do you remember whether she was a large or small woman?

A I disremember whether she was a large or small woman.

Q Do you remember whether she was a tall, or a low, heavy set woman? A I don't remember that.

Q Where did you say you had seen her last? A Saw her in Blain Bottoms.

Q Do you know her postoffice address? A The last time I saw her her postoffice was Blain, but she is living now at Sailer. Sailer is her postoffice now; I guess its been 10 or 15 years since I saw her myself.

Q I believe you stated that you were not personally acquainted with Marion Hoover; don't remember seeing him but one time?

A That's all.

Q That was when Lish Blankinship pointed him out to you? A Yes.

16-Mary Hoover & Sarah E. Williams.

Q Was that while you and this woman, Mary Hoover were living together? A Yes sir.

Q You state that the last time you ever saw Will Blankinship was over 18 years ago? A Its been somewhere along there.

Q That was before you were married?--You don't know whether he is living now or not? A No, I don't know.

Q I believe you stated that when Lish Blankinship pointed out Marion Hoover to you that soon after that you left Mrs. Posey?

A Yes sir.

Q And that was all you did for four or five years towards separation or divorce, before you took any further action?

(No answer)

Q After you married Mary Hoover you then married another woman?

A Yes sir.

Q How long was it after you married Mary Hoover? A Something like four or five years.

Q Then you had taken no steps towards securing a divorce from Mary Hoover, except leaving her. A I spoke to a couple of men

Q Yes, I believe you said that; and that was all? A Yes sir.

Examination by Mr. Dean.

Q To whom did you speak about his matter of your marriage and of your divorce? A Judge Taylor of Skullyville county, and Silas James.

Q What is Taylor's first name? A John Taylor.

Q Was he judge of Skullyville county at that time?

A Yes sir.

Q And what is the name of the other man? A Silas James.

Q What is his business? A He was a lawyer.

Q A Choctaw lawyer? A Yes sir.

Q Practicing in the Choctaw courts? A Yes sir.

Q How old a man was he then, about? A Must have been 35 or 40 years old.

Q Why did you go to this man? A Well, I wanted to see if I was living right, living in adultery, or would I be safe in marrying again.

Q See whether or not you could lawfully marry this woman, Mary Hoover? A No, that was before. That was after we separated. Emma Rush.

Q What did you tell him your situation was? A I told him that my understanding was that I had been married to a woman who had three living men and no divorce, just like I stated here this morning.

Q What did they advise you? A That I didn't need it.

Q Did you talk to these men together or were they separate?

A Separate.

Q You went first to one and then to the other? A Yes sir.

Q Did you advise with any other lawyer or official about the matter? A No sir.

Q You then went ahead and married Emma Rush. A Yes; they called on me for a copy of divorce from her and I wrote to Franklin county and got it.

Q You mean they, the Daves Commission, called for it?

A Yes sir.

Q Wasn't this Sarah Birchfield, formerly widow Tyler? A Yes, that's the name I knew her by, was Sarah Tyler.

Q She married a man in recent years by the name of Birchfield? A I don't know.

16-Mary Posey & Sarah E. Williams.

Examination by Mr. Hicks:

Q Of your own knowledge, hat you know yourself, you don't know whether Mary Posey was ever married before she married you, do you? A Well, no, I don't.

Examination by the Commissioner:

Q At the time you testified before the Commission to the Five Civilized Tribes in reference to the right of the enrollment of your wife Sarah E. Williams, you stated that you were divorced from Mary Hoover in the Choctaw courts, the Choctaw tribal courts. How do you explain that statement in view of your testimony heretoday? A Well, the way I testified then, if I understand it right was what I have said here today. I testified that she had three living men, just like I have here today.

Q I will read your testimony to you:

"I Were you divorced from each one of these women?

"A Yes sir.

"Q Where were you divorced from Mary Hoover? A Choctaw Nation.

"Q In the Choctaw tribal courts? A Yes sir. "

And you follow that by making this statement:

" " and as quick as I found out (referring to the fact that Mary Hoover had a previous husband) I said to myself "I am living in adultery and I will just quit, and I went to South Canadian before a Notary Public and had witnesses to the effect that she stated to me wrong."

How do you reconcile that with your statements here today that you took no steps to get a divorce from Mary Hoover?

A Well, it was something over five years before I took a notion to marry again.

Q Your statement heretofore says that just as soon as you found it out you went to South Canadian. Now, I understand from your statement today that you did nothing for five years.

A They didn't ask me where I registered at how long I had been--

Q It is your voluntary statement Mr. Williams. What witnesses do you refer to Mr. Williams in your testimony taken on December 17, 1902, that you took before a Notary Public and had them testify that this woman told you wrong? A Jim McCall and Lish Blankinship.

Q That wasn't until five years subsequent to your separation from this woman, Mary Posey? Is that correct? A That was taken before.

Witness excused.

Mary Posey being recalled, testified as follows:

Examination by the Commissioner.

Q How many times were you married before you married Senora Williams, or Watt Williams? A Twice.

Q What was the name of your first husband? A Will Stidham.

Q And your second husband? A His name was Marion Hoover.

Q Were you ever married to a man by the name of Blankinship?

A No sir.

Q Did you ever live with such a man? A No.

17-Mary Posey & Sarah E. Williams.

Did you know such a man? A I knew he had been there; I lived with his brother's wife. I staid at his brother Lisha's when we was married and he used to come around to my first husband's fathers.

Q Was there ever any kind of a ceremony performed between you and Will Blankinship? A No sir.

Q In your testimony this morning you stated that you were living with Stidham at the time he died? A Yes sir.

Q Where did he die? A At Sans Bois bottoms at his fathers.

Q Were you actually in the room when he died? A Yes, I was right at his fathers.

Q Where was he buried? A There is a bluff there. I don't remember the name of the bluff.

Q How long was it that he was dead and buried before you married Watt Williams? A It was a good while before. I married Hoover and he died before I married Watt.

Q Do you know where Stidham is buried? A It is some kind of a bluff, but I don't remember the name of the bluff.

Q Near what town? A I don't know whether it was near a town or not.

Q Was it near where you lived in Blain bottoms? A Yes, not far from there.

Q How long had Stidham been dead when you married Hoover?

A I declare, I don't remember how long he had been dead.

Q Now, state just as plainly as you can without any reference to any other of your testimony, as to what happened in reference to your marriage to Williams and your separation from him?

A How's that?

Q Tell me in your own language as to what took place in reference to your marriage and separation from Senora (or Watt) Williams? A I don't know--you mean what he quit me for?

Q Tell me the whole thing. What caused the separation.

A I couldn't tell what caused the separation; I will leave that for others to do; you will find it out; he left me--we lived together--me and Watt lived together six months as well as I can tell, to tell the truth about it, and then he left me, and in about four or five months--I won't be certain--after he left me, this child of his'n was born, and I had to work to raise it, and I worked myself blind to do it.

Q Why did he leave you? A I don't want to tell that.

Q You have heard him testify that he left you on account of your having a living husband? A That aint it. I can tell you, the way women is once in awhile, he didn't have sense enough to know what it was. That's what he left me for, if you don't know.

Q Did he charge you before he left you, with having a living husband? A No, he never said nothing to me about any living husband.

Q Did he ever demand from you any papers to show that you had been divorced from Stidham and Hoover? A No.

Q Did he ever ask you with reference to a man named Blankinship? A I never heard him mention that until today--this Will. I never heard him mention him until today.

Q You never had married or went through any marriage ceremony of any kind with Will Blankinship? A No I never.

Q You state that you were present at the death of your husband Stidham and saw him buried? A Yes sir.

Q And that you knew Hoover was dead before you married Watt Williams? A I knew he was dead before I married Watt, because

16-Mary Posey & Sarah R. Williams.

if he hadn't been dead I never would have married him, and I happened to find out that me and him was never divorced, and I will have a divorce from him if I live.

Q What is your present name? A Now?

Q Yes. A Well, of course I married after he died. I thought I was divorced. Posey would be my name.

Q When were you married to Posey? A I couldn't exactly tell you that; you can find it out at Sherman where we was married.

Q Before you married Posey did you apply to any court for a divorce from Williams? A No, I never married till after he did.

Q Were you ever served with any papers for divorce from Williams? A No. Since I found out I wasn't, I'll quit till I get a divorce. I thought I was divorced.

Examination by Mr. Dean:

Q You testified this morning that that letter was burned up in a fire at Atoka, near Atoka? A Yes, ten miles below Atoka; I was living there when the house burned that burned that letter.

Q Where did you keep that letter? A Among the things in the house.

Q What things? A My boxes.

Q Wooden boxes? A Yes, wooden boxes.

Q You are sure that that letter burned up in that fire? A I am sure that that letter burned in that fire.

Q Do you remember what you testified to before when you were asked what became of this letter? A I don't know anything about it.

Q Well, your answer was as follows: "Why, law knows its been so long, of course, it is lost, traveling around all the time".

A Well, I know, but after I got to thinking and studying to know where it had been I knew what become of it, because I knew where I had it last.

Q When did you know that? When did you decide what became of this letter? A After I was here and went home then I began to study where I had been with it, and then I know right where it had got destroyed.

Q Was there anything to enable you to know that that was what became of the letter except your general memory? A Nothing any more than that man I married this last time knows it got burned up.

Q How did he know? A He was there and seen it burned. He seen the letter in the box and see the house burn up over it.

Q Did he ever read the letter too? A No, he couldn't read.

Q Did he ever read the letter? A No, he had it read. He couldn't read either.

Q Who read the letter to him? A I can't remember now who read the letter; there's so many going and coming and being around, I don't remember who did the reading.

Q Well, do you remember that anyone read the letter? A Of course.

Q I mean to you and your present husband. A This one now?

Q Yes. A Yes, he heard the letter read.

Q I will ask you if you ever heard anyone read that letter to him? A Why, yes.

Q But you don't know who it was read it to him? A I don't remember now. Anything will pass that way and go plus out of my remembrance until after I get studying and thinking about it, it will come back again.

19-Mary Posey & Sarah E. Williams.

Q Do you think that if you studied about this a little while you could remember who read that letter to your present husband? A I don't know.

Q Where was it read? A One time there below Atoka before it got burned up. Miss Moran read it once.

Q Where is she now? A I couldn't tell you where she is. She read it to me and him; she read several letters he got from Arkansas.

Q And you got this old letter out that you had had about fifteen years and had her read it? A She read it.

Q To you and your husband? A To me and my husband.

Q How did you happen to have that read? A Happened to be there reading these letters.

Q Why did you want to read this one fifteen years old? A Because I wanted to hear it read; something in it I wanted-I wanted him to hear it.

Q Who? A My man.

Q Had he ever heard it read before that? A I don't know.

Q Didn't you state that it had been read by a number of people to you and your husband? Didn't you state a moment ago that it had been read to you and him by several people? A Yes, I know she read it--you asked me if I remember anyone that read it. I remember her.

Q Do you mean by this statement that he had never heard that letter read up to that time? A I don't guess he had; I don't know.

Q The fact is, you don't know whether he had ever heard it read? A Yes, I know he had.

Q This was a short time before the letter was burned? A Yes, we was living right there by Miss Moran when the letter got burned.

Q Did she read it to him after that time? A I don't know whether she did or not.

Q The only time you can swear he ever heard the letter read was that one time? A Yes, I know he heard it. I got Annie Moore (Moran?) to read it.

Q Did he want to hear the letter? A I don't know whether he did or not. I got her to read it.

Q Did you have any other letters? A Yes, we got letters to this day; none of us can read; we get people to read them to us.

Q You have letters today fifteen years old that you have people read to you? A I don't know how old they are.

Q But you just have them read? A Yes, have the names called.

Q Didn't you testify once formerly before the Commission to the Five Civilized Tribes that you didn't know why Williams left you? A That I didn't know?

Q Yes. A Not that I remember about, I didn't. I know the reason he left me.

Q But didn't you testify once before before this Commission that you didn't know any reason for his leaving? A I don't remember whether I did or not.

Q If you did make that statement, was it true or false?

A I know the reason he left.

Q Well, answer the question. A I said I know the reason he left; without that I don't know no other cause that could make him quit me.

Q How long did you say you had been separated from Hoover before you married Williams? A I don't remember just exactly.

Q About how long? A Well, I don't remember how long it was.

20- Mary Pease & Sarah E. Williams.

Q Four months? A Might have been that long; might have been longer.

Q It might not have been as long as that? A I don't know exactly how long it was; it might have been that long and it might have been longer; I don't know exactly how long.

Q The fact is, you don't remember distinctly anything about as to the length of time? A No, not exactly I don't.

Q Were you ever in Arkansas? A No, I never was.

Q Did you ever hear you husband, Marion Hoover, say anything about being from Mount Ida in Arkansas; about having resided or lived at Mount Ida, in the state of Arkansas? A Yes, I have heard him speak of that place; talked about Arkansas.

Q Where was he from when you married him? A He was from Arkansas he said.

Q Didn't you testify this forenoon that you didn't know where he was from? A That's what he said.

Q Then you don't believe everything you hear? A No, that I don't, believe everything I hear. I couldn't swear to anything I hear.

Q You wouldn't swear to a statement that he was in Arkansas--that he came from Arkansas, although he told you that he did.

A He told me; that is all I know.

Q But you wouldn't swear to it as being true? A No.

Q Haven't you just now sworn to a statement that Marion Hoover is dead? A Well, he is dead----

Q Just a minute; do you swear to the statement that your husband, Marion Hoover was dead when you married Watt Williams, although you had only heard it through a letter that he was dead? You believe everything you hear by letter? A Its just according to who tells it; that's it.

Q Then did you have greater confidence in this man Edmonson than you did in your former husband, Marion Hoover? A I sure did.

Q Did you ever meet Mr. Edmonson? A I have seen him, yes. I never knowed much about him.

Q Did you ever meet him? Did you have an introduction to him?

A Yes, I have seen him.

Q Did you ever talk with him? A Yes, I have talked with him.

Q Whereabouts? A Right here in the Territory.

Q Whereabouts in the Territory? A In Sans Bois bottoms.

Q What was he doing over here in the Territory? A I don't know what he was doing.

Q How often did you see him in the Territory? A I seen him about twice and then when he left he said he was going to Arkansas; I don't know where he went; I suppose he went to Arkansas; he was there when he wrote the letter anyhow.

Q He lived over here then? A I reckon he was living here. I never did visit his house at all; I wasn't acquainted with the family of his.

Q Do you know that he had a house and family? A I don't know a thing about it; never was at his house, I say.

Q But you know that Marion Hoover was dead because you heard it?

A I know he was dead.

Q Because you heard it? A Yes, because Edmonson said he was dead, and I know he was dead.

Q You know that this man Edmonson was a truthful man? A As far as I know; I couldn't give him any other name but that.

21-Mary Pacey & Sarah E. Williams.

Q Do you know what reputations for truth these men about the community where you lived had? A I don't know anything about their reputations.

Witness excused.

Sarah E. Williams being first duly sworn testified as follows:

Examination by the Commissioner:

Q What is your name? A Sarah E. Williams.

Q How old are you? A Twenty-three years.

Q Where do you live? Your postoffice address? A Panama.

Q Are you the present wife of Senora W. Williams? A Yes sir.

The witness is identified as Sarah E. Williams, wife of Senora W. Williams, Choctaw Roll Card, Field No. 2748, and opposite No. 913 on the final roll of citizens by intermarriage of the Choctaw Nation as approved by the Secretary of the Interior.

Examination by Mr. Dean.

Q Have you taken your allotment? A Yes sir.

Q Received both your homestead and allotment certificates?

A Yes sir.

Q You are enrolled as an intermarried citizen? A Yes sir.

Q Have you sold any part of your surplus land? A Yes.

Objected to by Mr. Hicks as immaterial.

Q To whom have you sold it?

By the Commissioner: We will have to sustain the objection as to any purchase.

Q Did you know any of these persons about whom we have been talking here, Marion Hoover, Will Blankinship or Will Stidham?

A Don't know any of them, no.

Q How old were you when you married Williams? A Sixteen years old.

Examination by the Commissioner.

Q How long had you known Williams when you married him?

A About a year.

Q When were you married? A August.

Q Of what year? A I don't know; I have forgotten.

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this November 9, 1905.

Edward Morris
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

MAR 19 1906



COMMISSIONER.

(COPY-DeB)

Exhibit A

Indian Territory)
Second Judicial Division) SS.

Personally appeared before me a Notary Public in and for the above named Judicial Division on this the 7th day of September, 1893 E. B. Blankenship who makes the following statement under oath, to wit; About five years ago, W. W. Williams was married to Mary Hoover whom I know to have been married three times before, to wit, First, to my brother, William Blankenship. She quit my brother and then married William Stidham, after separating from the said Stidham she then married a man named Hoover, after separating from the said Hoover she then married W. W. Williams.

Witness my hand and seal this the 7th day of September, 1893.

his
E. B. Blankenship.
mark

Sworn and subscribed to before me this the 7th day of September 1893.

Jno. O. Toole.

(SEAL)

Notary Public.

(Endorsed)
Statement of E. B. Blankenship.
DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
FILED

NOV 6-1905.

Tams Bixby Commissioner.

STATE OF ARKANSAS,)
)SS
COUNTY OF YELL,)

T. L. Pound, being first duly sworn, upon his oath, says; I am 36 years of age, a lawyer by profession, reside at Danville, Yell County, Arkansas, of which city I am mayor, and I have resided in this county for 36 years.

I hold a commission as Notary Public in said county, and I recall that on, or about the 9th day of October, 1905, a young white man, apparently about 30 years of age, giving his name as W. L. LeFors, came into my office, in Danville, early in the morning, and said he desired to be sworn to a typewritten paper which he brought with him, and to which I swore him. He did not inform me as to the contents or purport of the instrument, but I supposed, at the time, that it pertained to some pension case.

I had never before, nor have I since, seen this party. He was rather a small man, and at the time looked as if he had been sick. I think I would recognize him, were I to see him again. I asked him the place of residence and he replied that he lived here in Yell County.

Having been since requested by McKennon & dean, attorneys, of South McAlester, Indian Territory, to make inquiry for this party who made this affidavit before me, and to locate, and give some account of, him, I have made numerous inquiries for, and about him, having inquired of, among others, W. F. Briggs, the present sheriff, of Yell County, and I have been unable to locate said party or to find anyone who knows anything of or concerning such a person. I have also, within the last few weeks, carefully examined the tax books of Yell County, and I found that they do not contain the name LeFors.

(signed)

T. L. Pound

SUBSCRIBED and sworn to before me this 17 day of February, 1906.

My commission expires the
18 day of Mar. 1906.
(SEAL)

(signed) Arthur B. Priddy.
Notary Public.

STATE OF ARKANSAS,)

) ss

MONTGOMERY COUNTY.)

T. M. Scott, being first duly sworn, upon his oath says; I reside at Mount Ida, Montgomery County, Arkansas, where I have lived since the year 1869, and I am 36 years of age. I am sheriff and tax collector of Montgomery County, which office I have held since October 31st 1902.

It was recently inquired of me in a letter, written by McKennon & Dean, attorneys, of South McAlester, Indian Territory, whether or not I ever knew a man by the name of Marion Hoover, also, one W. L. LeFors who formerly resided near Mount Ida, and whether or not said Marion Hoover, if I knew such a person, died and was buried, in the year 1889, near Mount Ida. As stated above, I have lived here since 1869, and I have never known a man here by the name of Marion Hoover, nor have I ever known or heard of such an one living here, or having died or been buried here, or near here. I have made diligent inquiry of others, residents of this town and county who are, and have been familiar with its citizens, and I have found no one who knows anything about either said Marion Hoover or W. L. LeFors. I do not know, and have never known, or known of any such persons.

T. M. Scott

SUBSCRIBED and sworn to before me this 26th day of February 1906.

(SEAL)

Jerry Witt

My Commission expires the

Notary Public.

_____ day of _____, 190__.

2

United States of America)
Southern Judicial District) ss.
Indian Territory.)

1

was Bokoshe, Indian Territory. I lived there twenty-five years. I once knew a man and woman by name of Hoover. They lived on my place about eight months, and then left that part of the country. I never knew what Hoover's given name was, and my recollection is that the woman was named Mary. I never saw Hoover any more after he left my place.

About four or five years ago I saw the woman and she was living near Boggy in the Choctaw Nation, and was living with another man.

I do not remember to have made a remark to Mrs. Hoover that "Well, Marion is dead."

Further affiant sayeth not.

W. P. Nelson

W. H. Ebey

(SEAL) _____ Notary Public.
(Endorsed)

Notary Public.

In re Sarah B. Williams, an intermarried Choctaw, as wife
of Senora W. Williams. Affidavit of Pink Nelson.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
F I L E D

MAY 24 1906.

Tans Bixby, Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
Muskogee, I. T. May 24, 1906.

In the matter of the application for the enrollment of Mary Posey as a citizen by intermarriage of the Choctaw Nation.

Further proceedings had before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, Thursday, May 24, 1906, after due notice to the parties in interest.

APPEARANCES:

- J. G. Ralls, attorney at law, Atoka, Indian Territory, representing Mary Posey.
- A. S. McKennon, attorney at law, South McAlester, Indian Territory, representing Senora W. Williams and his present wife, Sarah E. Williams.
- No appearance on behalf of the Choctaw and Chickasaw Nations.

By Mr. McKennon:

I desire to offer in evidence the affidavit of W. P. or Pink Nelson, taken in the Southern Judicial District, Indian Territory, on the 12th day of May, 1906.

By Mr. Ralls:

The applicant, Mary Posey, objects to the introduction of the affidavit; first, for the reason that it is not competent and second, that no notice was given that the affidavit would be taken and she was not given an opportunity to cross-examine the witness, and third, it appears that the affidavit was taken within the Indian Territory, where the witness could have been by the Commission required to appear in person; and fourth, because the affidavit is incomplete and is silent on the question as to whether or not Marion Hoover was dead and as to whether or not the witness knew that fact and for the further reason that the witness does not state that he did not make the statement to the applicant, but merely says he does not remember to have made the statement.

At this time the applicant, Mary Posey, also desires to object to the affidavit of T. L. Pound, for the reason that it is immaterial, not the best evidence and for the reason that no notice was given to the applicant that said affidavit was to be taken and she particularly objects to that part of the affidavit in regard to what the witness states he did about inquiring among the citizens in regard to the man in question for the reason that the same is hearsay evidence and witness does not show himself qualified to testify about matters about which he speaks.

The applicant also objects to the affidavit of T. M. Scott for the same reasons as stated as objections to the affidavit of T. L. Pound.

In regard to the decree filed, purporting to be a certified copy of the decree of divorce between ~~Emma~~ Williams and S. W. Williams, it is desired to suggest to the Commission that the decree is not properly certified to and is not admissible as evidence for the reason that there is no certificate as required by law for the certification of judgments or decrees rendered by state courts; second, for the reason that the decree does not show that S. W. Williams ever resided in the State of Arkansas, nor does it show that personal service was had upon him and under the decision of the Supreme Court of the United States, the decree does not affect the status of S. W. Williams, he being a non-resident of Arkansas and a resident of the Indian Territory, as shown by his evidence in this case and as to him the decree of divorce would not be effective.

By Mr. McKennon:

We want to object to the affidavit of Robert L. Townley, who claims to have been a minister of the gospel and to have United in marriage Senora W. Williams and Mary Hoover, because it was ex parte and was taken without giving an opportunity to opposing parties to appear and cross-examine; because there is no showing that proper record of the marriage could not be produced; because same was taken in Indian Territory and the witness could be required to appear in person and give his testimony.

We want to object to the affidavit of J. S. Murrow because it is ex parte and was taken without giving opposing parties opportunity to appear and cross-examine and because the statements are wholly incompetent, being given in support of the testimony of R. L. Townley, as to the character and standing and credibility of the said Townley, when his character had not been attacked or called in question.

We want to object to the affidavit of W. L. LeFors, taken on the 9th day of October, 1905, in Yell County, Arkansas, before T. L. Pound, a notary public, because ~~because~~ the same is ex parte and was taken without giving an opportunity to opposing parties to appear and cross-examine and because the matters to which he testifies are wholly incompetent and irrelevant.

By Mr. Ralls:

On behalf of the applicant, Mary Posey, I desire to say that as a matter of law I do not believe that the affidavits are competent or admissible as evidence in the contest and if the attorney on the other side so desires, an order may be made eliminating all affidavits.

By Mr. McKennon:

We have corresponded with T. M. Scott, Sheriff of Montgomery County, Arkansas, and he agreed, if we would pay his

expenses, to come here and testify and we sent him the money for his expenses and requested him to be here today. He has not yet arrived, and I think will be here today or tomorrow. When he does arrive, we desire to take his testimony.

By Mr. Ralls:

I will ask permission to introduce a certified copy of the deed executed by S. W. Williams, or Senora Watt Williams, disposing of surplus lands, in which he enjoins the applicant, Mary Posey, to relinquish her dower as his wife.

By Mr. McKennon:

McKennon & Dean, as attorneys for certain parties to whom Williams was selling his land, took his deed and required both Sarah E. Williams and Mary Posey to relinquish dower, as this contest was pending, as a matter of precaution, so that there could be no question as to the title and we will object to the filing of a copy of the deed because it is incompetent, irrelevant as testimony in this case.

By the Commissioner:

Upon agreement of counsel further hearing in this matter is continued until this date at one o'clock P. M., at which time T. M. Scott, a witness on behalf of Sarah E. Williams, will be present.

On Thursday, May 24, 1906, at one o'clock P. M., this case was called for further hearing, O. E. Cramer appearing on behalf of J. G. Ralls.

T. M. SCOTT, being duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A T. M. Scott.
Q Your age and postoffice address? A My age is 36; my postoffice address Mt. Ida, Arkansas.
Q What is your occupation? A Sheriff.
Q Of what county? A Montgomery.
Q Montgomery County, Arkansas? A Yes sir.
Q You are a citizen of the United States? A Yes sir.
Q You have no interest whatever in this controversy? A None whatever.

By Mr. McKennon;

- Q How long have you lived in Montgomery County? A Nearly 37 years, past 36.
Q Have you lived in and about Mt. Ida for a considerable length of time? A Yes sir.
Q How long? A All the while, 36 years.

- Q How long have you been in office? A Will be four years the 31st of Next October.
- Q Did you ever hear of a man in that section of the country named Marion Hoover? A I found from talking with older man--- but perhaps you don't want me to tell that?
- Q I will ask you whether or not you ever made inquiry to know, to ascertain, if a man by the name of Marion Hoover ever lived in that country or died in that country?

By Mr. Cramer:

We object to any testimony in regard to any inquiry he has made, whether he knew any such man as Mr. Hoover and any testimony in regard to his inquiry, as that would be hearsay.

Witness permitted to answer: A I have, I made inquiry.

By Mr. McKennon:

- Q Did you know such a man? A I did not.
- Q What was the result of your inquiry? A I found from inquiry--

By Mr. Cramer:

We object to that.

Witness continues: I found from inquiries that I made of older men than myself that there was at one time, several years ago, I don't know just when, a man lived there for a short time, somewhere from ten to thirty days--stopped there a short time--by the name of Hoover; what his first name was I don't know; they called him Doctor Hoover.

- Q You know what became of him? A I have been told that he went from there to California, left his family there and later sent for them.
- Q Is that the only Hoover you know of? A That's the only one, the only Hoover I can get any trace of that ever was in Montgomery County at any time.
- Q You have heard nothing of any one by the name of Hoover having died at or near Mount Ida and having been buried in that neighborhood? A No sir.
- Q Have you made any examination of the records of the county to ascertain whether or not he lived in that county? A Partial only, I have not made a thorough examination.
- Q Did you find any mention of his name upon the records? A No sir.
- Q Did you examine the tax books? A Yes sir.
- Q You found nothing upon the tax books to show that he paid taxes? A No sir.
- Q Did you ever know a man by the name of W. L. LeFors? A No sir.
- Q Did you hear of such a man in that country? A Never did.
- Q Are you acquainted generally with the people of the county? A Yes sir.
- Q You know them nearly all? A Yes sir.
- Q That county is sparsely settled, is it not? A Yes sir.
- Q Do you think you would have been likely to have known these men if they had been in that section of the country?

By Mr. Cramer:

We object to that.

By r. McKennon:

Q Answer the question? A If they had lived at or near Mount Ida, I would have known them if they had been there any length of time.

By Mr. Cramer:

We object to all of his testimony which is a matter of hearsay.

Q How long have you lived in Montgomery County? A 36 years.
Q In how many different places in the county have you lived? A Only one---close to Mount Ida.
Q How large a county is Montgomery County? A Its about 28 by 42 miles.
Q Where is the county seat? A Mount Ida.
Q How large a town is it? A I suppose it has 300 inhabitants.
Q Are you acquainted with all the families in the county? A No sir.
Q Know the names of the families that live in the county? A Yes sir.
Q You think then, if there was a man by the name of Hoover in the county you would have known it? A Yes sir
Q Have there been any Hoovers in the county since you have lived there? A Several years ago I have been told a man stopped at Mount Ida a few days----
Q That's the Hoover you referred to a few minutes ago? A Yes sir.
Q And that's the only one that lived there? A That's the only one that lived there.
Q To your knowledge? A Yes sir.
Q You won't be positive that the manreferred to wasn't there? A No sir.
Q He might have been there, this Hoover that is referred to, and you might not know it? A Might have been.
Q This man LeFors might have been in the county so far as you know, when the affidavit was made? A I never heard the name.
Q But he might have been there? A Might have been.
Q Are you acquainted in Garland County? A Yes sir.
Q What is the situation in Garland County in regard to Montgomery County, as to proximity? A They are adjoining.
Q You say you are familiar also with the people in Garland County? A In the western part of the county I am.
Q How large is Garland County? A Two-thirds or three-quarters the size of Montgomery County.
Q What is the population? A Itx is far beyond Montgomery County.
Q Very thickly populated? A Yes sir.
Q Do you know whether or not this man LeFors lived in Garland County? A I do not.
Q Do you know anything about the affidavit that was made by Le Fors in regard to this matter? A I do not.
Q Has it been referred to you by Mr. McKennon? A He wrote me about it; I never saw it.
Q Did he state whether or not the man was supposed to live in Garland or Montgomery County? A He stated he was supposed to live in Mount Ida.
Q As far as you are concerned you would not be prepared to say that he lived in Harland County? A I don't know whether he did or not.

- Q How far is it from the Garland County line to Mount Ida? A Well its 25 miles in the furthest place and closest about 19.
- Q What is the population in your best judgment, of Montgomery County? A I suppose there are ten or twelve thousand---ten or fifteen.
- Q What, in your best judgment is the population of the adjoining county, Garland? A I could not give you much idea---I don't know what the population is of Hot Springs.
- Q Aside from Hot Springs? A I suppose fifteen thousand, leaving out the city of Hot Springs.

By the Commissioner:

- Q How far is Mount Ida from the county seat of Yell County? A Fifty miles.

Witness excused.

Olga Petroff, a stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she reported the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Olga Petroff

Subscribed and sworn to before me this 24th day of May, 1906.

Edward Merriam
Notary Public

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Muskogee, Indian Territory, December 21, 1906.

7-D-468.

In the matter of the application for the enrollment of
Mary Posey as a citizen by intermarriage of the Choctaw Nation.

7-2748.

In the matter of the application for the enrollment of
Sarah E. Williams as a citizen by intermarriage of the Choctaw
Nation.

APPEARANCES: For the applicant, Mary Posey, J. G. Ralls, attorney
at law, Atoka, Indian Territory.
For the applicant, Sarah E. Williams, A. S. McKennon
of the firm of McKennon and Dean, attorneys at law,
South McAlester, Indian Territory.
No appearance on behalf of the attorneys for the
Choctaw and Chickasaw Nations.

Mr. McKennon, on behalf of Sarah E. Williams, presents
copies of notices served upon J. G. Ralls, attorney at law,
Atoka, Indian Territory, attorney for Mary Posey, and Mans-
field, McMurray & Cornish, attorneys for the Choctaw and
Chickasaw Nations, that testimony would be presented in behalf
of Sarah E. Williams before the Commissioner to the Five
Civilized Tribes on December 21, 1906.

-----ooOoo-----

MONTE LEFORCE, being first duly sworn, testified as
follows:

EXAMINATION BY MR. McKENNON:

Q State your name? A LeForce, Monte.
Q What is your age? A I am thirty-seven.
Q Are you a Choctaw citizen? A Yes sir, quarter.
Q Where do you live? A I live at Pocola as my home.
Q How long have you lived in the Choctaw Nation?
A I was born and raised at Pocola.
Q Did you know a man by the name of William Blankenship?
A Yes sir.
Q When and where did you know him?
A Well, I have known him for several years. He worked on my
mother's farm for my step-father, Ben Conway. Will Blankenship
worked for my step-father on the old Conway farm.

Q When? A Well, along in '77 when he first commenced working there.

Q Did you know him when he married? A He married, yes sir.

Q To whom was he married?

A He married a young lady there. Her name was Josie something-- I don't know. She hadn't been there long when she was married.

Q What was her given name? A Mary.

Q Her father was Joseph somebody? A Yes sir.

Q Were you present when he married Mary? A Yes sir.

Q Where was that? A On the old Conway farm.

Q Who married them? A His name was Doc Hulsey.

Q Was he a preacher? A Yes sir.

Q Do you know how long she lived with him?

A Well, they left that country right after they married going to Texas they said.

Q Did you see them after they returned from Texas?

A Yes sir.

Q Did they have any children?

A Yes sir, they had one child.

Q What became of it? A It died.

Q Are they still living together? A No sir, they separated.

Q When? A That was along about '84 or 5.

Q Did she marry again? A She married Will Stidham.

Q Do you know how long she lived with Will Stidham?

A Why, some three or four years, I reckon.

Q Did they have some children? A Two children.

Q Are they still living?

A Yes sir, I think so; that is the boy is as far as I know.

Q Did you see her after they separated? A Yes sir.

Q Do you know whether she married again? A She was living with a man by the name of Hoover.

Q What was the given name? A Marion.

Q Did you know Hoover? A Yes sir, I knew him very well.

Q Do you know how long she lived with Hoover?

A I suppose about some sixty or seventy days, something like that.

Q Did they separate? A Yes sir.

Q What did she do then? A They separated for a short time, and then she married this man, Williams.

Q What was his name?

A S. W. Williams was the way he signed his name; known as Watt Williams.

Q Do you know where she lives now? A She lives at Kiowa, I believe.

Q When did you see her last? A Why, it has been some years since I seen her.

Q Do you know what her name is now? A Mary Posey.

Q Now then, when did you last see Will Blankenship, her first husband that you have mentioned?

A I haven't seen Will Blankenship---I expect it has been---

Q Do you remember the date? A No sir, I don't. It might have been the first of '90 or before. I don't recollect.

Q Where was it? A It was at Bud Blankenship's, up there at Brazil.

Q Was that before or since she married Watt Williams?

A I think it was since she married Williams.

Q When did you last see Will Stidham?
A I seen him about '94.
Q Where? A Up here above Brooken.
Q Was he the same Will Stidham whom she married?
A Yes sir, I know him well.
Q That was after she married Watt Williams? A Yes sir.
Q When did you last see Marion Hoover?
A About '93, somewhere along there, up here about Stigler.
Q Did you know him well? A Yes sir.
Q Was he the same one who was the husband of Mary?
A Yes sir, he was the same one.
Q And you saw him at Stigler about '93? A About '93.

BY MR. RALLS:

Q How old are you? A Thirty-seven.
Q And your post office is Pocola? A Pocola.
Q Choctaw Nation? A Yes sir.
Q How long have you lived there? A Born and raised there.
Q Are you related to Williams? A No sir, not related at all. Williams was raised there in that country.
Q Are you related to his wife, Sarah E. Williams? A No sir.
Q You are not acquainted with her?
A No sir, I am not acquainted with her people. Well, they live at Panama, I believe.
Q Were you acquainted with the Hoover family?
A Why, I was acquainted with Marion Hoover. He was the only one I was acquainted with. I lived down at Blaine when I got acquainted with him, at Jack Moore's.
Q Jack Moore living now? A Yes sir.
Q And you say that Mary Posey was married---was married to Blankenship? A Yes sir.
Q How do you know? A Why, I was at the wedding.
Q How long ago was that? A I guess something like twenty-five years ago.
Q How old were you then? A I was a small boy then, about ten or twelve years old.
Q Did you know Blankenship at that time?
A Yes sir, he worked there for my stepfather a number of years. His brother, Bud Blankenship, also worked there.
Q Where were they married? A They was married about three miles southwest of Pocola.
Q Who married them? A Doc Hulsey.
Q He is dead is he? A Yes sir.
Q When did he die? A He died on the farm there a few years since. I guess something like fifteen or sixteen years.
Q Now, this Marion Hoover, how old a man was he?
A Man about forty or forty-one or two years old.
Q Now, you mean? A No, at that time.
Q What time? A Along about '88 or '89.
Q He was about forty years old? A Probably forty-one or two, I don't know exactly.
Q Did you know his brothers and sisters?
A Why, I know of them, wasn't personally acquainted with them.
Q What were their names? A Don't know any of their names, only I knowed Marion because he come to Jack Moore's when he first come to that country.

Q Family lived there did they? A I don't know where they lived.
Q You don't know where they lived? A Not exactly.
Q You don't know any of the members of the family but Marion?
A No sir.
Q Don't know his father? A No sir.
Q Don't know his mother? A No sir.
Q Then Marion is the only one you knew? A Yes sir, in person.
Q How far did the other members of the family live from where Marion lived? A Well, from where Marion lived it must have been ten or fifteen miles, probably farther.
Q You were raised in that community, I believe you stated?
A I was raised in Pocola. I worked for Jack Moore a good deal.
Q On a farm? A I was herding cattle.
Q Well, then your work as a cattle man took you all through the country, didn't it?
A Yes sir, a good deal.
Q Took you all over the range? A Yes sir.
Q How far would the cattle range? A Sometimes ten or fifteen miles, sometimes not as far.
Q How long were you engaged in the cattle business for Mr. Moore?
A Why, I worked for him off and on for about four years. I rode horses for him a good while.
Q During all that time you rode the range most every day?
A Not every day.
Q Now, what kind of looking fellow was Marion Hoover?
A He was a spare built man; he wasn't a big man; had dark mustache and had a scar here on his cheek. A man struck him with a club at a horse race.
Q What was his complexion? A Well, you would call it dark.
Q Do you remember anything of the character of his eyes?
A His eyes was brown.
Q And his hair was black of course? A Yes sir, his hair was black.
Q Did you chum with him any? A Yes sir, I was with him, bought whiskey from him.
Q You are a lover of good whiskey, are you? A Yes sir, I love to drink it.
Q Where is your friend, Marion Hoover, now? A I couldn't tell you now. The last I heard of him he was going to Arkansas from this country.
Q How long since you last saw him? A Why, it was along about '93, I guess.
Q Where was he at that time? A It was at Stigler.
Q Do you know when he and Mary Posey married?
A Yes sir, I know.
Q You were there? A No sir, I wasn't at the wedding, but I know when they lived together there.
Q When was it they married? A Well, it must have been about '86, along in there, or '87, maybe somewhere along in there. I couldn't remember exact dates or anything.
Q You say you were at the wedding? A No sir, I wasn't.
Q How old were you when Marion Hoover and Mary Posey married?
A Why, I would have to figure a little. That was along about in the '80's, and I was getting up towards twenty.
Q When were you born? A I was born in '69.

- Q Did Marion Hoover have any mark upon him besides this mark?
A Not that I know of.
- Q What was the character of that scar?
A It was a big skinned place, and must not of healed up for a good while. It left grey hairs on his cheek.
- Q You don't know whether he is dead or not? A No sir.
- Q Was he ever arrested? A No sir, he wasn't arrested in this country that I know of.
- Q What is your interest in this suit? A None at all.
- Q How do you happen to be here? A Williams got me to come.
- Q Where is Williams? A In Panama.
- Q When did Williams and Mary Posey marry? A Married about '88 or '89, I wouldn't say which.
- Q How do you remember the date?
A Well, it was that time I was working in there. There was a good deal of horse racing in there at that time, and I used to ride horses on the track, and the other fellows, Williams and Marion and Stidham, was all there too.
- Q Now, have you any way to tell whether it was '80 or '90 or '93?
A Well, not exactly.
- Q You are guessing at the year? A Well, it is pretty close. I wouldn't say a certain date at all.
- Q And you don't know his mother and father, or know whether you have seen Hoover since Williams and Mary Posey married or not?
A Yes sir, I know I seen him.
- Q You stated you didn't know when Mary Posey and Hoover separated?
A Why, I don't know exact dates, no.
- Q Well, you don't know the exact year, do you now?
A Well, it is along about that I saw him.
- Q When? A Along in '87 or '86, wouldn't say what year, but then it is 'close.
- Q Where did they live when you knew them?
A They lived in Blaine down here. This woman lived with old lady Tyler before she married Williams.
- Q You say you haven't seen Hoover since '93? A No sir.
- Q Now, isn't it a fact that you have absolutely no way of fixing the date that Marion Hoover and Mary Posey married?
A I have no certain fact, but I can put it close.
- Q Well, now, what do you base your figures on?
A Because I worked in there during those years.
- Q That is the only way you have got to tell is it?
A I rode horses in there for people all through that country.
- Q Do you remember about any other occurrence that happened at that time? A Several occurrences, yes sir.
- Q This is the only one you can remember? A Yes sir, there was fights going on there all the time.
- Q But this is the only instance where you can recall any dates?
A Well, along in the '80's up to '92.
- Q You are a married man? A No sir.
- Q Never been married? A No sir.
- Q About how much do you think Marion Hoover would weigh?
A Why, he would weigh probably 160 or 65, somewhere along there. He wasn't so heavy.
- Q Any peculiarity about his voice? A Not that I noticed; rather low talking man.
- Q Now, then, were you present when Watt Williams married Mary Posey? A No sir, he left Blaine; went away after he married up by Cowlington somewhere, I think.

- Q About how long did they live together?
A I think about thirty, maybe forty, days.
Q That you don't know? A Don't know.
Q They moved away from you? A They moved down in the bottoms.
Q Then you don't know how long they lived together?
A Not exactly.
Q Did you keep any record or these marriages and separations?
A No.
Q Now, they were married in what year?
A '88 or '89, I don't know exactly what year.
Q And you think they lived together about thirty or forty days?
A Yes sir. I left there along about '90, and they was married a year or two before I left there.
Q On what do you base your statement that they lived together only a short time?
A Because I seen Watt nearly every day. He had known Jack Moore ever since he was a boy. I was up there when they was laughing about his marriage.
Q Have you been refreshing your memory in regard to these dates?
A No sir.
Q It is all just perfectly fresh? A No, it is not fresh. If it was I could remember the dates.
Q Have you any brothers? A I have one half-brother.
Q Have you any dead? A No sir, I have three sisters dead.
Q When did they die? A One died ten years ago, and one five, and one the last two years.
Q You say your mother and father are not living? A No sir.
Q When did they die? A Mother died about twenty-two years ago.
Q And your father? A My father died seven years ago.
Q Where did they live? A My mother died in here at Pocola.
Q Did Mary Posey have a child by Watt Williams?
Q No sir, not as I know of.
Q You don't know? A No sir.
Q Where did they go after they married? A They left that country and was supposed to go to Texas.
Q Now, after Watt Williams and Mary Posey separated, where did Mary Posey go? A She left there and where she went, I think, was up there about Brooken somewhere.
Q As a matter of fact you don't know whether she had a child by Williams or not? A No sir, I don't know. Not as I know of.
Q Well, you don't know? A No sir, I don't know.

BY THE COMMISSIONER:

- Q Did Mary Posey secure a divorce from Blankenship?
A Not as I know of.
Q Did Blankenship secure a divorce from Mary Posey?
A No sir, I don't think so.
Q Did Mary Posey secure a divorce from Will Stidham?
A No sir.
Q Or Marion Hoover? A No sir.
Q Do you know whether or not there was any divorce proceedings between Mary Posey and any of her former husbands?
A No sir, I don't know.
Q You stated that Mary Posey and Watt Williams lived together for about thirty or forty days? A Yes sir.

- Q How long after that did you see Mary Posey around in that neighborhood? A Well, she went back to old lady Tyler's, and she stayed there a week or two and probably left there then, and I don't know how long she stayed in the country.
- Q How long after that did you see her again?
- A Why, I seen her off and on about a month after that. It may have been longer.
- Q You saw her as much as a year after she separated from Watt Williams? A No sir, she left there.
- Q When did you next see her after she left?
- A Well, I seen her next at Brooken town with a man I didn't know.
- Q Was this child born to Mary Posey at that time?
- A Not as I know of. I don't know of any children only Stidham's two children.
- Q Do you know the names of the children she had by Stidham?
- A No sir, I don't. It seems like one is named Alva; the boy is I reckon.

BY MR. RALLS:

- Q You have never been clerk or deputy clerk in any of the courts of that county? A No sir.
- Q You have no knowledge whatever as to whether they were divorced?
- A No sir.
- Q Now you stated that Mary Posey left that country shortly after she and Williams separated? A Yes sir.
- Q Then you don't know whether she had any children by Williams or not? A No sir, I don't.
- Q Well, you answered a while ago that she did not?
- A No sir, I ain't positive I said all the time.
- Q And you don't know whether they were divorced or not?
- A No sir, I don't.
- Q And it is just guess work as to whether she ever had a child?
- A I don't know anything about that at all.

BY MR. MCKENNON:

- Q Did you know Will Stidham's father and mother? A Yes sir.
- Q What was his father's name? A His father's name was John.
- Q What was his mother's name? A Emma Stidham.

BY THE COMMISSIONER:

- Q Were all these men that were married to Mary Posey white men, with the exception of Sonora Williams? A Yes sir.

BY MR. RALLS:

- Q Are the Stidham's Choctaws? A No sir.
- Q None of them? A No sir.
- Q You don't know of any Choctaw Stidhams' at all? A No sir.
- Q Now, most of the evidence you have given here is mostly guess work as to the time or dates of marriages or divorces?
- A It is not guess work. I say I am close to the dates. I don't say I am positive. I say I am close to them.
- Q You been in the courts any? A No sir, I haven't been in court very much.

Q Have you been arrested? A Yes sir, I have been.
Q What for? A Fighting, and one thing and another.
Q How many times? A Two or three times.
Q Been in jail? A Yes sir, been in jail; arrested there one time at Fort Smith.
Q Been arrested for introducing whiskey? A Yes sir.
Q How many times? A Twice.
Q Where did they try you? A At Peteau.
Q Did they have you arrested for anything else? A No sir.
Q Now think? A Well, I am thinking.
Q How many times have you been in jail? A I been in jail about twice or three times.
Q Never been to the penitentiary? A No sir.

BY THE COMMISSIONER:

Q Were you convicted for introducing liquor? A Yes sir.
Q Given a jail sentence? A Yes sir.

BY MR. RALLS:

Q On what charge? A In troducing whiskey.
Q Once or twice? A Once.

BY MR. McKENNON:

Q I want to ask you this question, Mr. LeForce. If Will Stidham had died in Blaine's bottoms, would you have known of it?
A Yes sir, I would have known of it, but he didn't die there.
Q Were you in that country a good deal? A Yes sir.
Q Where did he go from there? A He went to Brooken it seems to me. He was in the Cherokee side.
Q In about Porum? A Yes sir.
Q That is the last you heard of him? A Yes sir.

(Witness excused.)

WILLIAM McCALIP, being first duly sworn, testified as follows:

EXAMINATION BY MR. McKENNON:

Q State your full name? A William McCalip.
Q Where do you live? A Live at Panama.
Q Do you know Sonora W. Williams, usually called Watt Williams?
A Yes sir, I know him by the name of Watt.
Q Did you know Will Blankenship? A Yes sir.
Q Was he in any way related to you at one time? A Yes sir.
Q What relationship? A He was a brother-in-law of mine.
Q Married your sister? A Yes sir.
Q What was her name? A Elizabeth.

- Q Was she related to Lish Blankenship in any way?
A Well, her step-father was Lish Blankenship's brother is all.
Q Which one of the Blankenship's was her step-father?
A Gilbert.
Q He was your step-father? A Yes sir.
Q Then Will Blankenship married your sister? A Yes sir.
Q When? A Well, I can't remember. To the best of my knowledge it was about '85. I don't know for certain about that.
Q When did you last see Will Blankenship? A I last seen him in the winter of '93. To the best of my knowledge I believe it was '93.
Q How do you fix that date? A Well, it was somewhere in December.
Q What enables you to fix that date? A Well, the reason why, to the best of my knowledge, I think of it being in '93 was I know it was the year after Grover Cleveland was elected the last time.
Q Well, he was elected in '92. Well, that was in December, '93, that you saw him? A Yes sir.
Q Where did you see him? A He was in Red Oak the last time I seen him. Eight miles east of Red Oak.
Q Was he then living with your sister? A Yes sir.
Q Do you know when he died? A Well, I got a letter from my sister stating when he died; it was on Christmas day, December 25, 1905, the best I can remember. I know he died on Christmas day all right, but as to the year I can't say for certain. It must have been--it was a short time after they left down there when I left. That would have made it '94 or 5.
Q Do you know where they were living when he died? A Living at Simpson, Indian Territory.
Q Then you know that Will Stidham was living in '93?
A Not Will Stidham.
Q I mean Will Blankenship? A Yes sir.
Q Did you know Marion Hoover? A No sir.
Q Did you know Will Stidham? A No sir.

BY MR. RALLS:

- Q You don't know anything about the marriage, divorce or separation between William Blankenship and any other woman besides your sister? A No sir, I don't know anything about that.
Q Is your sister dead? A No sir, not that I know of. I have n't heard from her for some time.
Q Where did she live the last you knew of her?
A Lived at Simpson, Indian Territory.
Q Where did you live? A At Panama.
Q How far from Simpson? A Must be sixty or seventy miles.
Q Haven't heard from her in how long? A In eight or ten years.

BY THE COMMISSIONER:

- Q Have you heard that Will Blankenship had been married prior to the time of his marriage to your sister? A Had I heard that?
Q Is that a matter of family history? A It seems to me I can remember something to that effect, but I am not positive.

BY MR. McKENNON:

Q What is your age? A I am twenty-nine years old.

BY MR. RALLS:

Q That is all guess work in that case? A Yes sir.

Q Are you a married man? A No sir.

Q Never been in any trouble in the courts? A No sir.

Now we want to move to strike out all the evidence of LeForce, on the ground that he is not competent to testify, having been convicted of a felony.

BY THE COMMISSIONER:

Objection noted.

(Witness excused.)

JAMES M. DAGGS, being first duly sworn, testified as follows:

EXAMINATION BY MR. McKENNON:

Q State your full name? A James M. Daggs.

Q What is your age, Mr. Daggs? A Fifty-nine.

Q Where do you live? A I live at Ada, in the Chickasaw country.

Q Did you formerly live at Blaine in the Choctaw Nation?

A Yes sir.

Q For how long? A Why, I lived there about twenty-three or four years.

Q Did you know a man by the name of Will Blankenship?

A Yes sir.

Q Did you know of his marrying in that country? A Well, I knew of his marrying, but this time when he came in there he brought a woman he claimed to be his wife.

Q What was her name? A Mary.

Q Mary? A Mary Blankenship we called her then.

Q Where were they from? A I think they claimed to be from Texas.

Q State what you know of them?

A Well, they came in there twenty-one or two years ago, stepped on my place. Blankenship had a brother living there, and they stepped there in a cabin on the place and stayed a while, and then moved about a mile or two from where I lived the last time down there. They had one child about a year and a half or two years old, and then they come back in the bottoms right above me, and they separated, and after they separated a little while he married his brother's step-daughter, Lissie McCalip, and this Mary married a man by the name of Will Stidham, and they lived in a quarter of me for a year or maybe two years, I don't remember just how long.

- Q Did you know Will Stidham's father and mother? A Yes sir.
- Q What was the father's name? A The old man's name, I believe, was John.
- Q Do you know the mother's name? A No sir, I don't remember her name.
- Q How long did she live with Stidham? A Why, it must have been a year, maybe two years, I don't remember exactly.
- Q Did she have any children by him? A Why, I believe she did. I didn't think when I first thought about it she did, but I believe she had one child when her and Stidham separated. Old man Stidham's folks kept the child.
- Q Well, what became of her next? A She finally married a man by the name of Heever.
- Q What is his name? A Marion Hoover, and they moved fifteen or sixteen miles from where I lived.
- Q Well, what next? A Well, they separated after a little, and then I understand she married a man by the name of Williams. I never saw him to know him.
- Q You just heard that? A Yes sir.
- Q Do you know when it was she married Williams?
- A It was about sixteen or seventeen years ago. I don't know exactly.
- Q When did you last see Will Blankenship?
- A Why, I don't know whether I can be positive about when I saw him. I know it is either sixteen years the last June, or seventeen. I couldn't be positive, but I was going to Texas, and I stopped to stay all night with Will Blankenship and Bud Blankenship and his father; they all lived in a house together. I stopped and stayed all night with them.
- Q Where? A About eight miles east of Wilburton.
- Q Was that before or after Mary married Williams?
- A Well, it must have been right along about that time.
- Q When did you last see Stidham?
- A Well, I don't remember whether I have saw him since I saw Blankenship or not. I have heard of him often.
- Q Where did you hear of him? A At the Brasfield Ferry on the Canadian.
- Q When was that? A Well, it was about two years after I went to where the town of Ada is now.

BY THE COMMISSIONER:

- Q When did you move to Ada?
- A I moved to Ada about sixteen years ago.

BY MR. MCKENNON:

- Q That would be about '92? A Yes sir.
- Q In about what place? A Brasfield Ferry on the Canadian, in about Enterprise, northeast of Enterprise, I reckon.
- Q You have mentioned all the husbands that Mary had that you knew of? A Yes sir.
- Q Were you present at any one of the marriages?
- A No sir, I was not, though they lived within 250 yards of me when he married this Lizzie McCalip.

- Q At Mary's marriages, I mean?
A Well, I wasn't present at that. They lived about a quarter of me when she married Stidham.
Q Do you know who married her to Stidham?
A I couldn't be positive, but I think it was an old person Ferguson or Tyler. There was an old person by the name of Tyler who married persons there, a kind of preacher, and Ferguson was a preacher. I couldn't be positive which.
Q You know of any other facts in the matter you can state?
A No sir.

BY MR. RALLS:

- Q You have never served as clerk or deputy clerk in the Choctaw courts in this country? A No sir.
Q You don't know Marion Hoover and Mary Posey were ever divorced?
A I never knew of any of them being divorced.
Q You don't know of your own knowledge whether Blankenship was divorced from his wife, Mary? A I am satisfied that he wasn't.
Q I am speaking of your knowledge now? A I never looked on the records.
Q Well, in your own opinion? A I don't know that there was any divorce called for.
Q Well, I am asking for information now, Mr. Daggs. You have never investigated the records or asked any of the clerks down there if a divorce was granted to William Blankenship?
A No sir.
Q You never asked about a divorce between Stidham and this woman, Mary? A Never asked any questions.
Q And you have never asked whether a divorce was granted between Marion Hoover and his wife, Mary? A I never heard of any.
Q You don't know whether Marion Hoover is dead or living to-day?
A No sir.
Q How long since you saw him? A Well, it has been sixteen or seventeen years, somewhere along there.
Q You don't know whether he died about that time or not?
A No sir.
Q What kind of looking man was Marion Hoover?
A Well, he was pretty dark complexion, tolerably heavy set man.
Q Anything peculiar about him?
A Not that I remember. He lived about three miles below me at Blaine. I saw him a few times.
Q Anything about his face that would cause you to remember him?
A No sir.
Q Not a one eyed man? A I wouldn't be positive. I think probably he was a one eyed man.
Q Were there any scars about his nose? A I don't remember of any.
Q What color was his hair? A It seems to me his hair was a little bit dark.
Q Was he bald-headed, or did he have hair? A I couldn't say.
Q You think he was a one eyed man? A It seems to me he was. I couldn't be positive. I never thought about being questioned about him.
Q Are you related to either of the parties about whom you have testified? A No sir.

- Q You are the Mr. Daggs of the famous Daggs addition of Ada, are you? A Yes sir.
Q Got some good property there? A Well, I don't own it now. I give it to my boys.

BY MR. MCKENNON:

- Q Mr. Daggs, of all these numerous marriages of Mary Posey that you have described, were any of them in your immediate neighborhood at that time? A Yes sir.
Q And you never heard anything about any divorce suits connected with any of these marriages? A No sir, I don't think it was over a month before he married Lizzie McCalip after he left Mary.
Q Well, I am speaking of Mary Posey?
A Well, it is the same woman. She wasn't separated from Blankenship but just a short time, a month or so, until he married Lizzie McCalip.
Q How long till she married again?
A It may have been six or eight months.
Q You never heard of her getting any divorce or anything of the kind? A No sir, never heard of it.

BY MR. RALLS:

- Q Now, Blankenship married before Mary Posey after they separated?
A Yes sir.
Q How about Stidham? A I don't know. I understood he was married, but don't know whether he married before she did or not.
Q Along about the same time was it?
A I couldn't tell you; just heard he had married a girl that come from Missouri.
Q You don't know whether Hoover got a divorce or died after they separated? A I don't know what became of him.

(Witness excused.)

HIRAM H. EARLY, being first duly sworn, testified as follows:

EXAMINATION BY MR. MCKENNON:

- Q Please state your full name? A Hiram H. Early.
Q What is your age, Mr. Early? A Sixty years.
Q Where do you live? A I live in the Cherokee Nation.
Q At what point? A I live about six miles from Porum.
Q Did you ever know a man by the name of Will Stidham?
A Yes sir.
Q State the facts under which you knew him please?
A He lived on my place; made a share crop there, him and his father, in 1893, the spring and summer of 1893.
Q What was his father's name? A John Stidham.

- Q What was his mother's name? A I believe the old mammy was called Jinny.
- Q Was it Jinny or Emma? A Well, I couldn't say positive. It seems to me like her name was Emma. I think the old man called her Jinny.
- Q What aged man was this Will Stidham? A He must have been twenty-eight or thirty.
- Q How long had you known him before he come there?
- A I knew him off and on for two or three years before he come there.
- Q Where had he been living? A Down there in the Choctaw Nation somewhere over near Brooken.
- Q How long did he remain there? More than one year at your place?
- A No sir, only one year; just made one crop there; left there the next spring.
- Q Where did he go, do you know? A To Bower or somewhere in the Choctaw Nation.
- Q Do you know what became of him? A Well, I don't exactly. He got into some devilment and ran away in the summer of '94.
- Q '94? A Yes sir.
- Q Do you know where he went to? A Went to Miszouri so I heard, but I don't know that.
- Q So that is about all you know of him is it? A Yes sir.
- Q What was his wife's name, do you remember?
- A His wife he was living with then?
- Q Yes sir? A Her given name was Alice.
- Q Did they have some children? A Yes sir.
- Q How many? A Well, I couldn't say for certain; they stayed at out house; there was one or two of the children.
- Q Did he have any children with him that were born to another woman as you understood? A The old man had some children that stayed with him before that time. I don't know the year; along about 1890 or '91, somewhere along there. There was a couple of children stayed with the old man Stidham said to be another woman's children.
- Q By Will Stidham? A Yes sir.
- Q Were they boys or girls? A Well, I seen the children; I don't know that though.

BY MR. RAILS:

We object to this part of the evidence.

BY THE COMMISSIONER:

Objection noted.

BY MR. McKENNON:

- Q You don't remember? A Well, the mother of the children came to por house and stayed about a week, but Will Stidham was in jail at Fort Smith at that time.
- Q What was her name, do you know? A Mary.
- Q Do you know what became of her? A Went back down in the Choctaw Nation somewhere.

Q Do you know what her name is now?

A No sir, never even heard of her before. She stayed there a week or two weeks and helped my wife make soap. She was staying at old man Stidham's, herself and her children was there, and I was at old man Stidham's house and seen them children, but I don't know whether they was boys or girls, for they never come to our house; she left them with their grandpa when she came to our house.

BY MR. RALLS:

Q Mr. Early, Mr. Stidham married then after he and Mary separated?

A To another woman?

Q Yes? A I think so; that is my understanding.

Q He had children by the woman he married after Mary?

A Yes sir, I think so.

Q They were there at your place? A Yes sir, I knew them.

Q Now, the woman Mary you spoke of, his former wife, you don't know whether she is the same Mary Posey in this suit or not?

A Oh, no, I don't know.

Q You have no knowledge whatever as to the marriages, or separations or divorces of any of these parties? A No sir, none at all.

Q And the information that you have is just rumor through the country? A Yes sir, and what I have seen. I have seen the folks is all.

Q You don't know Marion Hoover? A No sir.

Q Did you know Mary Hoover? A No sir, not as I know of.

Q You don't know Will Stidham's wife prior to the one that came to live on your place? A I don't understand.

Q How many children did Will Stidham have when he was living there by the wife, Alice?

A Well, I wouldn't be positive. There was one. He accidentally killed one of the children; that was before he came to my house. Well, they had one child; there may have been two.

Q How old was the oldest one? A He wouldn't have been more than a year and a half or two years old. I wouldn't be certain that there was but one.

Q Do you know how old the other children were that that woman, Mary, claimed to be the mother of? A Well, they must have been--I just guess at that--I guess that they were born maybe in 1888, '89 or '90, somewhere along that, though I don't recollect. They was small though.

Q Four or five years old? A I don't think they was that old. I guess the oldest one wasn't more than three or four. My recollection is that there was two of the children when they came to our house. They stayed across the river in the Choctaw Nation with their grandfather, and she came over there and stayed about a week. I never seen the children but when I went out to his house. I recollect seeing the children.

(Witness excused.)

JOHN W. FREEMAN, being first duly sworn, testified as follows:

EXAMINATION BY MR. McKENNON:

- Q Please state your full name? A John W. Freeman.
Q What is your age? A Forty-five.
Q Where do you live? A Bower, Choctaw Nation.
Q Were you an officer about '93, '94 and '95?
A Yes sir, I was deputy United States Marshal for the Western District of Arkansas. I can't recollect exactly the date I went on as deputy marshal, but I will say I was in '90, '91, '92, '93 and '94.
Q Did you know a man by the name of Will Stidham?
A Yes sir.
Q Where? A I first knew Will Stidham at Brooken.
Q Where did he go then? A He come from Brooken to what we term a camp, him and Tom Morris and Columbus Row.
Q When was that? A That was somewhere between the 20th and the 30th of November, 1894; couldn't name the date exact, but I will say it was between the 20th and the 30th of November, 1894.
Q You saw him to know him? A Yes sir.
Q What became of him? A Well, now that is a question I couldn't answer.
Q Well, just state what occurred? A It is generally supposed---

BY MR. RALLS:

We object to suppositions, etc. We just accept what he knows.

BY MR. McKENNON:

- Q Well, I will ask you to state if you tried to arrest him?
A Yes sir.
Q And what is your information about what became of him?
A My information is that he went to New Mexico.
Q Was he charged with any crime committed in that country?
A Yes sir.
Q What was it? A He was charged with larceny and robbery.

BY MR. RALLS:

We object to this because it has nothing to do with the case.

BY MR. McKENNON:

We do this for the purpose of identifying him is all.

BY THE COMMISSIONER:

Objection noted.

BY MR. McKENNON:

- Q Give what was said about it? A He was charged with holding

up some party at Featherstone, being implicated with these other parties, Row and Morris, and also stealing one mare.
Q From whom? A Murray. I don't remember his initials.
Q Where? A Bower.
Q Were you searching for him? A Yes sir, I and Grant Johnson together.
Q Did you hunt quite a time? A We was out quite a time.
Q You didn't find him? A No.
Q He left the country? A Yes, but we never left the Territory to hunt for him.
Q Did you know his family? A I knew his wife.
Q What was her name? A I say I knew her; that may be going a little too far. I may tell more than I can truthfully.
Q I just want her given name?
A I knew her given name, but I can't remember it.
Q Do you know what became of her? A No sir.
Q Did they have any children? A I don't know. If I am not mistaken they had one child.
Q Do you know whether he accidentally killed a child of his in the neighborhood of Brooken?
Q I don't know of that; it is only hearsay.
Q Is it reported? A Yes sir, it is reported he killed a child not far from Texanna.

BY MR. RALLS:

He object to this testimony.

BY MR. MCKENNON:

Q This man against whom these reports were had was the same man that you knew as Will Stidham? A Yes sir.
Q You know that he was living in December, '94?
A He was living December, 1894, between the 20th and 30th.

BY MR. RALLS:

Q You don't know the parties in this case do you?
A The parties in this case?
Q Yes? A I don't know that. I couldn't have had this appearance to-day.
Q You know who you are testifying for?
A Yes sir, I know Will Stidham; that is all I know; I would know his wife, I reckon; I don't know for certain.
Q But you don't know the parties in this contest case?
A Oh, no.
Q Don't know anything about it? A No sir.
Q Now, you don't know anything about Will Stidham's marriage to that woman? A No, I don't know about her.
Q Don't know anything about their being separated? A No sir.
Q You don't know as a matter of fact that they were ever married?
A Why, no.
Q And you don't know that the Will Stidham that you spoke of is the Will Stidham that is supposed to have been the husband of Mary Posey in this case, do you?
A Mary Posey? No that is not the same his first wife was; I don't believe I can remember what the name of his first wife was; I reckon it is first or last; I don't know what it is.

- Q How many times was Will Stidham married?
A I couldn't tell you that, sir.
Q You don't know he was ever married at all?
A No sir, only I know he had a woman he claimed to have been his wife.
Q You don't know her name?
A I know it if I could call it to memory.
Q Was it Alice or Jennie? A I couldn't tell you.
Q Martha, Mary, Agnes? A You might call it and I wouldn't remember it.
Q As a matter of fact now Mr. Freeman, you don't know anything about this case in controversy?
A No sir, not a thing.
Q You don't know Marion Hoover? A I know William Stidham.
Q You don't know Marion Hoover? A No sir.
Q Never did? A No sir, I know a Hoover, but he is not Marion.
A What is his name? A Van Hoover.
Q Where is he? A I think he is in Illinois at the present time.
Q When did you know him?
A It was when I was about twelve years old.
Q Do you know where he lived? A At that time.
Q Yes sir? A In Washington County, Illinois.
Q I mean, do you know any Hoover's in the Territory?
A No sir.

BY THE COMMISSIONER:

- Q Do you know the name of the father of Will Stidham?
A No, I don't know the name of his father. I have seen his father several times though.
Q Where was he living at that time? A He was living somewhere near Texanna, I think.
Q Do you know the name of his mother? A No sir.
Q Or brothers or sisters if he had any? A No sir.

(Witness excused.)

GRANT JOHNSON, being first duly sworn, testified as follows:

EXAMINATION BY MR. McKENNON:

- Q Your name is Grant Johnson? A Yes sir.
Q What is your age? A Forty-seven.
Q Where do you live Grant? A Bufaula.
Q Were you a deputy marshal in '93 or 4? A Yes sir.
Q Did you know a man by the name of Will Stidham?
A Yes sir.
Q Where did you first know him?
Q Why, he lived up there at Brecken, and down at Young's Bend, and at different places down there.
Q About Blaine? A Yes, and he was in camp when I saw him between Dew and Enterprise.

- Q When was that? A In 1894.
Q Did you see him at that time, during that year?
A No, I didn't see him; he was on the scout; but I saw him when he was down there about Brooken.
Q When was that? A In 1893.
Q Mr. Johnson, do you know his wife's name?
A No sir, I couldn't say to save my life.
Q Did you know a woman by the name of Mary who was his former wife?
A I couldn't say, Mr. McKennon, whether that was the name or not but this was a red-headed woman I found in the camp there, and they said she was Will Stidham's wife.
Q That was when you went for him?
A Yes sir, that was in 1894, right along November. I couldn't say what date or day of the month it was exactly.
Q Well, did you know any woman who claimed to be his former wife, his wife before that? A No sir, I didn't.
Q Don't know anything about it? A No sir.
Q Did you know Will Stidham's father? A Yes sir.
Q What is his name?
A I couldn't swear his name. I know he had a son by the name of Coon Stidham, and I arrested him for murder and brought him to this town, but I forget the old man's name.
Q Where did the old man live at that time?
A Well, he lived down at what is called--well, he was a Cherokee fellow--it was where Jim Franch and Verdegris Kid fought, or somewhere's along in there, just this side of Young's Bend. I suppose it was about eight or nine miles southeast of Texanna.
Q Did you know these people when they lived on the farm of Mr. Early? A No, I didn't. He might have been living on his farm when I went down and arrested him, because it was in the valley, and old Man Early lives on the mountain.

BY MR. RALLS:

- Q Well, Grant, you have been deputy marshal a long time haven't you?
A Yes sir, seventeen years.
Q Still? A No sir, I resigned in February, last February.
Q Now, there were a good many Stidham's in this country wasn't there? A Yes sir.
Q There is a family at Bufaula, isn't there? A Yes sir, this is a white man I am speaking of.
Q Well, there are lots of white Stidham's aren't there?
A All I know is Indian.
Q There are quite a number of Stidham's in this country aren't there? A Well, I only know two families.
Q Well, you don't know who the woman was Will Stidham was living with? A No sir, only she said she was his wife.
Q You don't know whether he was married or not? A No sir.
Q And you don't know whether she was divorced? A No sir.
Q You say she was a red-headed woman? A Yes sir.
Q Out in the camp? A Yes sir.
Q Did you arrest her? A No sir, I left---I forget his name, it has been so long. Several officers was there---but this was Sam. He was working in the McAlester court. I left him in possession of her, and he arrested Tom Morris and Columbus Row and they was sent to the penitentiary. Sam Ferrell is his name.

- Q Now, Grant, you don't know Mary Posey in this case do you?
A Posey? No sir, I don't.
Q You don't know Watt Williams?
A No sir, I don't know Watt Williams. I know some Posey's, Indians, down there around Stidham town but I don't know any Mary. There may be a woman by that name.
Q You don't know anything at all about William Stidham's marriage and separation?
A No, I don't know anything about his marriage only no more than what was said that she was Will Stidham's wife.
Q You don't know what became of the woman you saw when you went after him? A No sir, only she said her husband had gone to Missouri, and guessed she would go too.
Q Her husband, Stidham? A Yes sir, Will Stidham's wife, a red-headed woman.
Q You don't know whether she stayed in that country and married another man or not? A No sir, I don't.
Q Did they have any children in the camp? A Yes sir, a couple of children.
Q How old were they? A They was small like, looked to be between two and five years old.
Q Do you know what became of the children?
A No sir, I don't know.
Q Did they take them with them? A I couldn't say.
Q Did they disappear out of that country?
A Yes sir, he left eight or ten days before I was talking to her.
Q Did she leave too? A Yes sir.
Q Did you know John Stidham? A Yes sir.
Q Did you know his wife? A No, I didn't know his wife; I knew John and Coon.
Q Was there any relationship between John and Will Stidham?
A They was brothers; that was what they told me.

(Witness excused.)

JOSEPH G. BECK, being first duly sworn, testified as follows:

EXAMINATION BY MR. McKENNON:

- Q State your full name please? A Joseph G. Beck.
Q What is your age? A Thirty-five.
Q Where do you live? A I live at Bower, Choctaw Nation.
Q Did ever you know a man by the name of Will Stidham in that country? A Yes sir.
Q When? A It was in '94.
Q What did you know of him? A Well, I knew him to be a kind of rough character; he was known by that.
Q Was he living there at that time? A He was in a camp near my place.
Q Do you know anything about his former life? A Nothing only just what I heard.

Q Well, did you know him before he came there?
A I knew him at what they call Young's Bend in the Cherokee Nation.
Q Younger's Bend? A Yes sir.
Q Do you know whose farm they were living on over there?
A Well, at that time, I don't know who owned the farm they was living on there. It used to be called the Bell Star farm.
Q Well, did you know his father and mother? A No sir, I didn't know them.
Q Don't know any of his people? A No sir, I don't know anything of them.
Q How long did he live there near Brooken, near you?
A I suppose he was there a month and a half, I don't remember.
Q Did he have a wife and children? A Yes sir, he had a wife there.
Q Did he have any children? A I couldn't say, but his wife was there.
Q Was he charged with the commission of some offence there?
A Yes sir, he was charged with taking a horse from a man there in the neighborhood?
Q His name? A Murray.
Q Was he charged with any other offence? A He had several charges against him for robbery; it was reported he had robbed a post office.
Q Were you an officer at that time? A No sir, I was not.
Q You didn't try to arrest him? A No sir, the citizens would watch the camp and guard it at night.
Q You didn't catch him? A No sir.
Q You don't know where he went? A No sir.

BY MR. RALLS:

Q When was that? A That was in '94 in November, but I can't remember the date; it was sometime though in November.
Q How do you know it was in '94?
A Well, one reason why I remember that man there, I had a nephew that married in that year, in '94, and this was done right along about the same time.
Q You were counting back in order to testify in this suit?
A I was counting back there so as to remember.
Q You knew you were coming to be a witness in this case?
A Yes sir, I was counting back to be able to testify.
Q Was Will Stidham living there? A Yes sir.
Q In a camp you say? A Yes sir, it was in a kind of a board camp.
Q You were pretty well acquainted with them were you?
A Yes sir.
Q Knew his wife? A Well, I wasn't very well acquainted; I have saw her but wasn't very well acquainted with her.
Q Do you know her name? A No sir, I don't.
Q What color was her hair? A Well, the best I remember, she was red-headed, I would call it.
Q Freckled face? A No sir, I couldn't say.
Q Don't know her name? A No sir.
Q Have any children? A I didn't know them.
Q You were around guarding the place. Wouldn't you have seen them?
A Well, there was children there, but there was three families there.

- Q You don't know who they belonged to? A No sir.
Q Boys or girls? A I couldn't say.
Q How large were the children you saw?
A Well, I don't remember, but there was several there the best I can remember.
Q Now, did you know Will Stidham's brother, John? A No sir, I didn't.
Q Do you know whether he had any brother? A I have been told he had a brother.
Q Do you know whether or not his father and mother were living at that time? A No sir.
Q Was it the understanding they were dead? A I don't know.
Q Never heard he had a father or mother in there at that time?
A No sir.
Q You were not acquainted with them at least? A No sir.
Q You don't know Mary Posey in this case? A No sir.
Q Don't know anything about her? A No sir.
Q You don't know whether that Will Stidham you testified about was married to either of the women of that camp?
A No sir, I couldn't say.
Q And if he was ever married you don't know whether he was ever divorced from his woman? A No sir.
Q You don't know that the Will Stidham you are testifying about now is the Will Stidham that is in this case, supposed to have been married to Mary Posey in this case?
A Well, I don't know his wife; I know Will Stidham.
Q Well, you don't know the Will Stidham you are testifying about is the Will Stidham that is supposed to have married Mary Posey, an applicant in this case? A No sir, I didn't know his wife.
Q And you don't know that the woman is the same one in this case?
A No sir, I don't.
Q There were several Stidham's in that country weren't there?
A No sir, only just him in my country.
Q That was the only Stidham you knew of? A Yes sir.
Q What was your business at that time? A Farmer.
Q Have cattle? A Yes sir.
Q You travelled over the country a good deal? A Yes sir.
Q And if there were any other Stidham's in that country you would have known something about it wouldn't you?
A Yes sir, I suppose so.
Q You have had no trouble in the courts? A No sir. Well, now, there are Stidham's in the Creek Nation.
Q They are Indians? A Yes sir.

BY THE COMMISSIONER:

- Q Are you a citizen of either the Choctaw or Cherokee Nation?
A Yes sir, I intermarried in the Choctaw Nation.
Q Do you remember the time of the payment of the 1893 Choctaw Leased District money, the \$103.00? A Yes sir.
Q Was that anywhere near the time you saw Stidham? (No answer.)
Q Well, were you married at that time? A Yes sir, I was married.
Q Did your wife draw that money? A Yes sir.

BY MR. McKENNON:

- Q Was it before or after you drew that money that you saw Stidham?
A Well, sir, I declare I can't remember about that.

7-D-468
7-2748.

-23-

Q Well, the payment was in '93? A Yes sir.
Q Well, now, are you sure---? A Well, I know it was in '94
that he was there. Yes sir, I know that.

BY MR. RALLS:

Q Are you a kin to Watt Williams? A How is that?
Q Do you know Watt Williams? A No sir.

BY MR. McKENNON:

Q Never heard of him did you? A No sir.
Q Never heard of Mary Posey either? A No sir.

(Witness excused.)

Lenora B. Ashton, as stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she reported the proceedings had in the above entitled cause on the 21st day of December, 1906, and that the above and foregoing transcript is a true and complete translation of her stenographic notes.

Lenora B. Ashton

Subscribed and sworn to before me this 29 day of December, 1906.

Walter N. Chappell
Notary Public.

JHJ

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

7-D-468.

In the matter of the application for the enrollment of MARY POSEY as a citizen by intermarriage of the Choctaw Nation and for the enrollment of William H. Williams as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the Census card record in this case that on September 9, 1899, Mary Posey appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself as an intermarried citizen of the Choctaw Nation and for the enrollment of her minor son, William H. Williams, as a citizen by blood of the Choctaw Nation.

The record herein shows that the applicant, Mary Posey, claims a right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one Senora W. Williams, whose name appears opposite No. 8052 on the final roll of citizens by blood of the Choctaw Nation approved by the Secretary of the Interior, and that the minor applicant, William H. Williams, claims a right to enrollment as a citizen by blood of the Choctaw Nation by reason of being the child of said Mary Posey and Senora W. Williams.

The record herein further shows that the applicant, Mary Posey, was married in the year 1888 or 1889 to the said Senora W. Williams and that prior to her marriage to said Senora W. Williams she had at different times lived with three different men, namely: William Blankenship, Will Stidham and Marion Hoover. The record herein does not show conclusively whether said applicant was married to Will Stidham or Marion Hoover. It is immaterial, however, to determine that question, inasmuch as the record does show that said applicant was married to William Blankenship, and that said William Blankenship was living at the date of her marriage to Senora W. Williams.

The record fails to show that said applicant was ever divorced from said William Blankenship.

The census card record in this case shows that when the applicant, Mary Posey, appeared before the Commission to the Five Civilized Tribes on September 9, 1899, she gave the age of said William H. Williams as eight years. She also testified on November 6, 1905 that said William H. Williams was fourteen years old in January of that year. It therefore appears that said applicant was born in the year 1891.

The testimony is conflicting as to the length of time said Mary Posey and Senora W. Williams lived together as husband and wife, it being stated by Senora W. Williams that they only lived together for a few weeks, while the applicant, Mary Posey, testifies that they lived together about six months. Granting that the statement of the applicant is true and that she lived with Senora W. Williams as his wife for a period of six months after their marriage in 1888 or 1889, the testimony would still be insufficient to show that said minor applicant is the son of Senora W. Williams, inasmuch as said applicant was not born until 1891.

The names of the applicants do not appear on any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes.

I am of the opinion that following the ruling of the Department of September 12, 1902, (I.T.O. 9848-1902) in the case of Emma Davis, the application for the enrollment of Mary Percy as a citizen by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641) and it is so ordered.

I am further of the opinion that the application for the enrollment of William H. Williams as a citizen by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641) and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

FEB 27 1907

7-D-468

COPY

Muskagee, Indian Territory, February 27, 1907.

Mary Posey,

Kiowa, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application for your enrollment as a citizen by inter-marriage and for the enrollment of William H. Williams as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Registered.
Incl. 7-D-468.

18
7-D-468.

44
COPY

Muskogee, Indian Territory, February 27, 1907.

McKennon & Dean,

Attorneys-at-law,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application for the enrollment of Mary Posey as a citizen by intermarriage and for the enrollment of William H. Williams as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamc Bixby*

Commissioner.

Registered.
Incl. 7-D-468.

7-D-468.

COPY

Muskogee, Indian Territory, February 27, 1907.

J. G. Ralls,

Attorney-at-law,

Atoka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application for the enrollment of Mary Posey as a citizen by intermarriage and for the enrollment of William H. Williams as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *James Bixby*

Commissioner.

Registered.
Incl. 7-D-468.

COPY

Muskogee, Indian Territory, February 27, 1907 .

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application for the enrollment of Mary Posey as a citizen by intermarriage of the Choctaw Nation and for the enrollment of William H. Williams as a citizen by blood of said Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Jane Bixby*

Commissioner.

Incl. 7-D-468.

COPY

Muskogee, Indian territory, February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Mary Posey as a citizen by intermarriage and for the enrollment of William H. Williams as a citizen by blood of the Choctaw nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, denying said applications.

Respectfully,

SIGNED *James Bixby*

Commissioner.

2 Incl.

Through the
Commissioner of Indian Affairs.

C.R.W.

RJH

DEPARTMENT OF THE INTERIOR
WASHINGTON

I.T.D. 7882-1907.
D. C. 13262-1907.

March 4, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following citizenship cases, adverse to the applicants, are hereby approved. A copy of Indian Office letter of March 2, 1907 (Lands 21680, etc.), submitting your reports, and recommending that the decisions be affirmed, is inclosed.

Title of Case:	Date of your Letter of transmittal.
Harriet Mallory, Cherokee freedman,	February 28, 1907.
George Sanders, Cherokee by blood,	"
Mary L. Martin, et al., Cherokee by blood,	"
Eliza Watkins, et al., Cherokee by blood	"
Sarah A. Thompson, Cherokee by blood,	"
Colston Franklin, Cherokee freedman,	"
Mary Posey, Choctaw by intermarriage, and William H. Williams, Choctaw by blood,	February 27, 1907.

A copy hereof, and all the papers in the above named cases, have been sent to the Indian Office.

Respectfully,

1 inc. and 14 incs.
for Ind. Off.

E. A. Hitchcock,
Secretary.

McM 3-4-07.

COPY

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

Land
File References
in body of letter.

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith several communications from the Commissioner to the Five Civilized Tribes, transmitting the record and decisions in the following citizenship matters in the Indian Territory:

21724-1907. In the matter of the application of Mary Posey for enrollment as a citizen by intermarriage and William H. Williams for enrollment as a citizen by blood of the Choctaw Nation. The record shows that the applicant, Mary Posey, contracted her marriage to the husband from whom she claims right to enrollment as a citizen by intermarriage while a previous husband, from whom she had not been divorced, was still living; and that William H. Williams, applicant for enrollment as a citizen by blood, has no claim other than that of his mother, and, the record shows, was born at such time that the presumption is, aside from the question of marriage, that he is of illegitimate birth, takes the status of his mother, and is not entitled to enrollment.

21680-1907. Harriet Mallory, applicant for enrollment as a Cherokee freedmen.

21681-1907. George Sanders, applicant for enrollment as a citizen by blood of the Cherokee Nation. Enrollment denied for the reason that the applicant is not a child of parents who have been identified and regularly enrolled citizens by blood of the Cherokee Nation, or as having application for enrollment pending April 26, 1906.

21682-1907. Mary L. Martin, Rosie E. Burke, Minnie E. Rehtol, Bertha J. Raper, and Mary E. Reddy, applicants for enrollment as citizens of the Cherokee Nation. Denied for the reason that the records of the Commissioner's office do not show that any application of any character was made for their enrollment prior to December 1, 1905.

21683-1907. Application for the enrollment of Eliza Watkins, Sarah E. Wimberly, Amey A. Hodges, Simon W. Adams, and Frank Adams as citizens by blood of the Cherokee Nation. Denied for the reason that the records of the Commissioner's office do not show that any application of any character was made for their enrollment prior to December 1, 1905.

21679-1907. Sarah A. Thompson, applicant for enrollment as a citizen by blood of the Cherokee Nation. Denied for the reason that the applicant had never been admitted to citizenship in the Cherokee Nation by any duly constituted court or commission of that Nation, or by the Commission to the Five Civilized Tribes under the authority of the provisions of the Act of Congress approved June

10, 1896, or by the U. S. Court in the Indian Territory on appeal therefrom. Hername is not found on any of the rolls of the Cherokee Nation in the possession of the Commissioner's office.

21678-1907. Colston Franklin, applicant for enrollment as a Cherokee freedman. Denied for the reason that the evidence does not show that he was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion.

The Office has examined the decision in each of these cases and is of the opinion that the decision of the Commissioner in the several cases is correct, and it is recommended that it be affirmed in each case.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWE-W

7-D-468.

Muskogee, Indian Territory, April 13, 1907.

Mary Posey,

Kiowa, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application for your enrollment as a citizen by intermarriage and for the enrollment of William H. Williams as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-468.

Muskogee, Indian Territory, April 18, 1907.

McKennon & Dean,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application for the enrollment of Mary Posey as a citizen by intermarriage and for the enrollment of William H. Williams as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-468.

Muskogee, Indian Territory, April 18, 1907.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application for the enrollment of Mary Posey as a citizen by intermarriage and for the enrollment of William H. Williams as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-468.

Muskogee, Indian Territory, April 18, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application for the enrollment of Mary Posey as a citizen by intermarriage of the Choctaw Nation and for the enrollment of William H. Williams as a citizen by blood of said Nation.

Respectfully,

Commissioner.

COPY.

Muscoogie, Indian Territory,

August 18th, 1900.

Mary Posey,

Caney Switch, Indian Territory,

Dear Madam,

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurphy, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of William H. Williams as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

SIGNED *Tams Bixby.*

Acting Chairman.

7-D-468.

COPY.

Muskogee, Ind. Ter. Feb'y. 1, 1901.

J. G. Hall, Esq.,

Atoka, Ind. Ter.,

Dear Sir:-

The Commission is in receipt of your letter of January 26th, 1901, requesting a copy of the evidence in the matter of the application for enrollment of Mary Posey, Cheateau Case No. D-468.

Replying to your request there is enclosed you herewith a copy of the evidence on file in this office in the matter of the application for enrollment of Mary Posey. Kindly sign the enclosed receipt and return to this office.

Respectfully,

SIGNED

Jame Dixby.
Acting Chairman.

7-A 468

COPY.

Choctaw D 408

Washoe, Indian Territory February 13, 1904.

Mary Fossey,

Caney, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

SIGNED

F. B. Needles

Commissioner in Charge.

COPY.

Choctaw D 458

Muskogee, Indian Territory, March 21, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 16, asking if further action has been taken in the matter of the application of Mrs. Posey to be enrolled as an intermarried citizen of the Choctaw Nation, or if action will be withheld in this case until the Robinson case is decided by the Citizenship Court.

In reply to your letter you are advised that it appears from our records that on February 6, 1904, the attorneys for the Choctaw and Chickasaw Nations filed a protest in the case of Mary Posey, requesting that further action be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson versus the Choctaw and Chickasaw Nations, Number 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question, they allege, is involved in this case.

J O R 2

Under Departmental instructions of November 18, 1903, the Commission is estopped from further action in cases of this character wherein protests have been filed by the attorneys for the Choctaw and Chickasaw Nations, until further directed by the Secretary of the Interior.

Respectfully,

SIGNED *T. B. Needles*

Commissioner in charge.

COPY.

Choctaw D-466.

Muskogee, Indian Territory, August 12, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 8, in which you state that you fear there may be some mistake in the name of William H. Williams, who is now 13 years of age and the son of Mary Posey, who was formerly Mary Williams, and that our records will show that this child was 7 years old when his mother first appeared before the Commission.

In reply to your letter, you are informed that it appears from our records that Mary Posey is an applicant to this Commission for the enrollment of herself as an intermarried citizen of the Choctaw Nation and for the enrollment of her son, William H. Williams, as a citizen by blood of said Nation. It also appears from our records that, at the time application was made for the enrollment of this child, September 9, 1899, his age was given as 8 years.

The Commission has not yet passed upon the application for the enrollment of the above persons as citizens of the Choctaw Nation. When a decision is reached, the applicants will be notified of the action taken.

Respectfully,

SIGNED

Tams Bixby.

COPY.

Choctaw-D-468.

Muskogee, Indian Territory, October 14, 1904.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Mary Posey and her minor son, William H. Williams, as citizens of the Choctaw Nation, it will be necessary, before the rights of said applicants can be determined by the Commission, for the said Mary Posey to file with the Commission evidence of her marriage to Watt Williams, the Choctaw Indian through whom said applicants claim their rights.

It will also be necessary for her to file with the Commission an affidavit setting forth whether or not said Watt Williams was married prior to his marriage to the said Mary Posey.

In the testimony of said Mary Posey given before the Commission at South McAlester, Indian Territory on December 23, 1902 she stated that she did not know whether or not Watt Williams was still living.

J. G. Ralls.--2.

It is advisable that the Commission be supplied with evidence as to whether or not said Watt Williams is living, if so, where and the names of other members of his family, in order that he may be identified upon our rolls as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED

T. B. Needles

Commissioner in Charge.

COPY.

Choctaw-D-468.

Muskogee, Indian Territory, October 17, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Mary Posey and her minor son, William H. Williams, as citizens of the Choctaw Nation, it will be necessary, before the rights of the applicants can be determined by the Commission, for Mary posey to file with the Commission evidence of her marriage to Watt Williams, the Choctaw Indian through whom said applicants claim their rights.

It will also be necessary for her to file with the Commission an affidavit setting forth whether or not Watt Williams was married prior to his marriage to her.

In the testimony of the applicant, Mary Posey, given before the Commission at South McAlester, Indian Territory on December 23, 1902 she stated that she did not know whether or not Watt Williams was still living.

J. G. Ralls.--2.

It is advisable that the Commission be supplied with evidence as to whether or not said Watt Williams is living, if so, where and the names of other members of his family, in order that he may be identified upon our rolls as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED *Tams Bixby.*

Chairman.

COPY.

7-D-468

Muskogee, Indian Territory, December 8, 1904.

J. G. Ralls,

Attorney at Law.

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 3, 1904, stating that you have just located the former husband of Mary Posey and will be able in a short time to secure the additional evidence called for.

In reply to your letter you are informed that this evidence should be furnished as early as practicable in order that disposition may be made of the application of Mary Posey for enrollment as an intermarried citizen of the Choctaw Nation, and for the enrollment of her son William H. Williams as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED *Tams Bixby.*

Chairman.

COPY.

7-D-468

Muskogee, Indian Territory, April 4, 1905.

J. G. Ralls,

Attorney at Law.

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 30, 1905, in which you state that you have just succeeded in finding Senora Watt Williams a former husband of Mary Posey and father of the child W. W. Williams and you expect to get evidence of marriage within a few days.

In reply to your letter you are informed that such evidence as you desire to introduce in the support of the application for the enrollment of Mary Posey as an intermarried citizen of the Choctaw Nation and for the enrollment of her son Willie H. Williams as a citizen by blood of the Choctaw Nation should be forwarded as early as practicable in order that the case may be disposed of.

Respectfully,

SIGNED

T. B. Needles

Commissioner in Charge.

COPY.

7-D-468

Muskogee, Indian Territory, April 5, 1905.

J. G. Ralls,

Attorney at Law.

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 30, 1905, in which you state that you have just succeeded in finding Senora Watt Williams a former husband of Mary Posey and father of the child W. W. Williams and you expect to get evidence of marriage within a few days.

In reply to your letter you are informed that such evidence as you desire to introduce in support of the application for the enrollment of Mary Posey as an intermarried citizen of the Choctaw Nation and for the enrollment of her son William H. Williams as a citizen by blood of the Choctaw Nation should be forwarded as early as practicable in order that the case may be disposed of.

Respectfully,

SIGNED *T. B. Needles*

Commissioner in Charge.

COPY.

Choctaw D-458.

Muskegee, Indian Territory, April 18, 1905.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your two letter of April 14, enclosing affidavits of R. L. Townley and J.S. Murrow, which you offer in support of the application of Mary Posey for enrollment as an intermarried citizen of the Choctaw Nation, and for the enrollment of William H. Williams as a citizen by blood of said nation, and the same have been filed with the records in this case.

Respectfully,

SIGNED *Tame Bixby.*

Chairman.

COPY.

7 D 468

Muskogee, Indian Territory, April 21, 1905.

J. G. Ballie,

Attorney at Law.

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 18, 1905, transmitting affidavit of James Taylor in support of the application for the enrollment of Mary Posey for enrollment as an intermarried citizen of the Choctaw Nation and the same has been filed with the record in this case.

Respectfully,

SIGNED

James Bixby.

Chairman.

COPY.

7-D-468

7--2748

Muskogee, Indian Territory, September 21, 1905.

Mary Posey,

Kiowa, Indian Territory,

Dear Madam:

You are hereby notified that before any further action can be taken in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be necessary that further evidence be introduced showing the death of our former husband, Mr. Hoover, prior to your marriage to Senora W. Williams, through whom you claim your right as an intermarried citizen.

This matter should receive your immediate attention.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

COPY.

7-D-468
7--2748

Muskogee, Indian Territory, September 21, 1905.

Senora W. Williams,

Farmer, Indian Territory,

Dear Sir:

It appears from the records of this office that on September 9, 1899, Mary Posey appeared before the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, and made application for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation, claiming her right thereto by virtue of her marriage to you in November, 1889.

On December 17, 1902, you appeared before the Commission to the Five Civilized Tribes at Wister, Indian Territory, and gave testimony relative to the right of your wife, Sarah E. Williams, to enrollment as a citizen by intermarriage of the Choctaw Nation. At that time you stated that Mary Posey, formerly Hoover, had a living husband at the time of your marriage to her, and that therefore it was not necessary for you to secure a divorce from her in order to legally marry your present wife, Sarah E. Williams.

On June 15, 1905, Mary Posey appeared at this office and gave further testimony relative to her right to enrollment

S.W.V. #2

and attempted to show that her former husband, Mr. Hoover, was dead at the time of her marriage to you.

Inasmuch as this involves the right of your present wife, Sarah E. Williams, to be enrolled as a citizen by inter-marriage of the Choctaw Nation, it will be necessary for you to appear at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, with such witnesses as you desire to testify in your present wife's behalf and give testimony showing that Mr. Hoover, to whom Mary Posey was married prior to her marriage to you, was living at the time you married her.

This matter should receive your immediate attention.

Respectfully,

SIGNED *Wm. O. Deall*.

Acting Commissioner.

COPY.

Choctaw D 408

Muskogee, Indian Territory, October 13, 1905.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 10, inclosing the affidavit of W. J. Jeffers which you offer in support of the application of Mary Posey for enrollment as an inter-married citizen of the Choctaw Nation, and the same has been filed with the record in this case.

Respectfully,

SIGNED *Tame Bixby.*
Commissioner.

COPY.

Muskogee, Indian Territory, October 20, 1905.

Mary Posey,

Caney, Indian Territory.

Dear Madam:

You are hereby notified to appear at this office at 9 o'clock a. m. Monday, November 6, 1905, to testify as to the death of your former husband Marion Hoover prior to your marriage to Senora W. Williams, the Choctaw husband through whom you claim the right to enrollment as an intermarried citizen of the Choctaw Nation.

Your former husband Senora W. Williams has also been notified to appear at this office on that date.

Respectfully,

SIGNED

Tame Bixby.

Commissioner.

COPY.

Muskogee, Indian Territory, October 20, 1906.

J. G. Ralls,

Attorney at Law.

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that Mary Posey has been notified to appear at this office at 9 o'clock a. m. Monday, November 6, 1906, to testify as to the death of her former husband Marion Hoover prior to her marriage to Senora W. Williams, the Choctaw husband through whom she claims the right to enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

7-2748

COPY.

Muskogee, Indian Territory, October 20, 1906.

Senora W. Williams,

Panama, Indian Territory.

Dear Sir:

It appears from the records of this office that at the time of your marriage to your wife Sarah E. Williams you had a wife, Mary Williams, now Posey, from whom you had not been divorced, but you allege in the matter of the enrollment of your wife Sarah E. Williams as an intermarried citizen of the Choctaw Nation that Mary Posey, formerly Hoover, had a living husband at the time of your marriage to her and that it was not therefore necessary for you to secure a divorce from her in order to marry your present wife Sarah E. Williams.

On June 15, 1906, Mary Posey appeared at this office and attempted to show that her former husband Marion Hoover was dead at the time of her marriage to you. She has been notified to appear at this office on Monday, November 6, 1906, at nine o'clock a. m. to testify further in this matter.

You are therefore hereby notified to appear at this office in company with your wife Sarah E. Williams on

1
S W W #2

the same date Monday, November 6, 1906, at 9 o'clock a. m.
to show cause why the allotment of land of the appraised
value of \$1034.84 heretofore made to Sarah K. Williams
should not be cancelled.

Respectfully,

SIGNED *Tame Dixby.*

Commissioner.

Muskogee, Indian Territory, May 3, 1906.

Mary Posey,

Kiowa, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, you are advised that Messrs. McKennon & Dean, attorneys at Law, of South McAlester, Indian Territory, representing Sarah E. Williams, the present wife of Senora Williams, filed with this office certain affidavits alleging that the affidavit of W. L. Lefors of October 9, 1905, in reference to the death of Marion Hoover, your former husband, near Mount Ida, Montgomery County, Arkansas, in the month of June or July, 1889, is fraudulent.

A hearing will be had upon this matter before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, on Monday, May 21, 1906, at nine o'clock A. M., at which time and place you should be present and, if possible, secure the personal attendance of W. L. Lefors.

Respectfully,

SIGNED

Wm. C. Dean

Acting Commissioner.

7-D-443

COPY.

Muskogee, Indian Territory, May 3, 1906.

McKennon & Dean,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Mary Posey as a citizen by intermarriage of the Choctaw Nation, you transmitted to this office on March 16, 1906, the affidavit of T. M. Scott, of February 26, 1906, in reference to the affidavit of one W. L. Lefors filed in this case, alleging that one Marion Hoover died in Montgomery County, Arkansas, near Mount Ida, in June or July, 1889; also the affidavit of T. L. Pound in reference to said affidavit.

You are hereby advised that upon the allegations made in said affidavit, Mary Posey has this day been notified to appear before this office on Monday, May 21, 1906, at nine o'clock A. M., for the purpose of testifying in reference to this matter. She has also been directed to secure, if possible, the personal appearance of W. L. Lefors at said time and place.

Similar notice has also been furnished J. G. Ralls, Atoka, Indian Territory, the attorney for the applicant.

It is desired that you procure the personal appearance

McKennon & Dean 2

of T. M. Scott, Sheriff of Montgomery County, Arkansas, at said hearing.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

7-D-468

COPY.

Muskogee, Indian Territory, May 3, 1906.

Ralls Bros,
Attorneys at Law,
Atoka, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Mary Posey as a citizen by intermarriage of the Choctaw Nation, you filed with this office on October 13, 1905, the affidavit of one W. L. Lefors of October 9, 1905, alleging that Marien Hoover, the former husband of Mary Hoover, died near Mount Ida, Montgomery County, Arkansas, in the month of June or July, 1889.

On March 16, 1906, Messrs. McKennon & Deap, Attorneys at Law, of South McAlester, Indian Territory, representing Sarah E. Williams, the present wife of Senora W. Williams, transmitted to this office the affidavits of T. M. Seett, Sheriff of Montgomery County, Arkansas, and T. L. Pounds, before whom the affidavit of W. L. Lefors was acknowledged, in which it is alleged that the statements contained in the affidavit of the said Lefors are not true, and that the same was fraudulently procured.

A hearing will be had by the Commissioner to the Five Civilized Tribes in reference to this matter at his office at Muskogee, Indian Territory, on Monday, May 21, 1906, at nine o'clock

Kalls Bros. 2

A. M., at which time and place the applicant Mary Posey should be present and, if possible, the personal appearance of W. L. Lefors secured.

Notice of this hearing has been furnished Messrs. McKennon & Dean, South McAlester, and Mary Posey at her last known post office address, Kiowa, Indian Territory.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

COMMISSIONERS
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRICKNORRIDGE.
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

11729.
REFER IN REPLY TO THE FOLLOWING

Choctaw D 462

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory February 12, 1904.

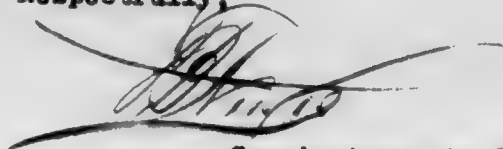
Mary Posey,

Caney, Indian Territory,

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,



Commissioner in Charge.

COPY.

Muskogee, Indian Territory, October 20, 1905.

J. G. Ralls,

Attorney at Law.

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that Mary Posey has been notified to appear at this office at 9 o'clock a. m. Monday, November 6, 1905, to testify as to the death of her former husband Marion Hoover prior to her marriage to Senora W. Williams, the Choctaw husband through whom she claims the right to enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

COPY.

Muskogee, Indian Territory, October 20, 1905.

Mary Posey,

Caney, Indian Territory.

Dear Madam:

You are hereby notified to appear at this office at 9 o'clock a. m. Monday, November 6, 1905, to testify as to the death of your former husband Marion Hoover prior to your marriage to Senora W. Williams, the Choctaw husband through whom you claim the right to enrollment as an intermarried citizen of the Choctaw Nation.

Your former husband Senora W. Williams has also been notified to appear at this office on that date.

Respectfully,

SIGNED

Tams Bixby.

Commissioner.

7-2748

COPY.

Muskogee, Indian Territory, October 20, 1905.

Senora W. Williams,

Panama, Indian Territory.

Dear Sir:

It appears from the records of this office that at the time of your marriage to your wife Sarah E. Williams you had a wife, Mary Williams, now Posey, from whom you had not been divorced, but you allege in the matter of the enrollment of your wife Sarah E. Williams as an intermarried citizen of the Choctaw Nation that Mary Posey, formerly Hoover, had a living husband at the time of your marriage to her and that it was not therefore necessary for you to secure a divorce from her in order to marry your present wife Sarah E. Williams.

On June 15, 1905, Mary Posey appeared at this office and attempted to show that her former husband Marion Hoover was dead at the time of her marriage to you. She has been notified to appear at this office on Monday, November 6, 1905, at nine o'clock a. m. to testify further in this matter.

You are therefore hereby notified to appear at this office in company with your wife Sarah E. Williams on

S W W #2

the same date Monday, November 6, 1905, at 9 o'clock a. m.
to show cause why the allotment of land of the appraised
value of \$1034.84 heretofore made to Sarah K. Williams
should not be cancelled.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

7-D-408

COPY.

Muskogee, Indian Territory, May 3, 1906.

Mary Posey,

Kiowa, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, you are advised that Messrs. McKennon & Dean, attorneys at law, of South McAlester, Indian Territory, representing Sarah E. Williams, the present wife of Senora Williams, filed with this office certain affidavits alleging that the affidavit of W. L. Lefors of October 9, 1905, in reference to the death of Marion Hoover, your former husband, near Mount Ida, Montgomery County, Arkansas, in the month of June or July, 1889, is fraudulent.

A hearing will be had upon this matter before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, on Monday, May 21, 1906, at nine o'clock A. M., at which time and place you should be present and, if possible, secure the personal attendance of W. L. Lefors.

Respectfully,

SIGNED *Wm. O. Deall*

Acting Commissioner.

7-D-468

COPY.

Muskogee, Indian Territory, May 3, 1906.

McKennon & Doan,
Attorneys at Law,
South McAlester, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Mary Posey as a citizen by intermarriage of the Choctaw Nation, you transmitted to this office on March 16, 1906, the affidavit of T. M. Scott, of February 26, 1906, in reference to the affidavit of one W. L. Lefors filed in this case, alleging that one Marion Hoover died in Montgomery County, Arkansas, near Mount Ida, in June or July, 1889; also the affidavit of T. L. Pound in reference to said affidavit.

You are hereby advised that upon the allegations made in said affidavit, Mary Posey has this day been notified to appear before this office on Monday, May 21, 1906, at nine o'clock A. M., for the purpose of testifying in reference to this matter. She has also been directed to secure, if possible, the personal appearance of W. L. Lefors at said time and place.

Similar notice has also been furnished J. G. Ralls, Atoka, Indian Territory, the attorney for the applicant.

It is desired that you procure the personal appearance

McKennon & Dean 2

of T. M. Scott, Sheriff of Montgomery County, Arkansas, at said hearing.

Respectfully,

SIGNED *Wm. C. Beale*

Acting Commissioner.

COPY.

Muskogee, Indian Territory, May 3, 1906.

Ralls Bros,
Attorneys at Law,
Atoka, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Mary Posey as a citizen by intermarriage of the Choctaw Nation, you filed with this office on October 13, 1905, the affidavit of one W. L. Lefors of October 9, 1905, alleging that Marion Hoover, the former husband of Mary Hoover, died near Mount Ida, Montgomery County, Arkansas, in the month of June or July, 1889.

On March 16, 1906, Messrs. McKennon & Deap, Attorneys at Law, of South McAlester, Indian Territory, representing Sarah E. Williams, the present wife of Senora W. Williams, transmitted to this office the affidavits of T. M. Scott, Sheriff of Montgomery County, Arkansas, and T. L. Fought, before whom the affidavit of W. L. Lefors was acknowledged, in which it is alleged that the statements contained in the affidavit of the said Lefors are not true, and that the same was fraudulently procured.

A hearing will be had by the Commissioner to the Five Civilized Tribes in reference to this matter at his office at Muskogee, Indian Territory, on Monday, May 21, 1906, at nine o'clock

Ralls Bros. 2

A. M., at which time and place the applicant Mary Posey should be present and, if possible, the personal appearance of W. L. Lefors secured.

Notice of this hearing has been furnished Messrs. McKennon & Dean, South McAlester, and Mary Posey at her last known post office address, Kiowa, Indian Territory.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

McKENNON & DEAN
ATTORNEYS AT LAW
SOUTH McALESTER, IND. TERR.

South McAlester, Indian Territory,
March 16, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

We enclose herewith affidavits of E. L. Pound and T. M. Scott, to be filed in behalf of Sarah E. Williams (7-2748) in the matter of the contention against her by one Mary Posey, who, also, claims to be the intermarried wife of Senora W. Williams.

As we understand the record of this matter before the Commissioner, the only evidence on behalf of Mary Posey consists of the testimony of herself and Ransom Posey, her present husband, and the affidavit of one W. L. LeFors. These affidavits are directed to this affidavit of LeFors. The affiants are evidently of such character and standing, one being an attorney and mayor of Danville, a man personally known to us to be of unquestioned integrity, the other being sheriff of Montgomery County, which office he has held since 1902, and the statements of the affidavits are such as to raise very grave doubt as to the truth and genuineness of the LeFors affidavit, and to such degree as that we believe Mary Posey should be required either to present LeFors in person to testify before the Commission or to take his deposition upon notice to us as attorneys of Sarah E. Williams. And if LeFors is to appear in person we desire to have notice of the time, that we may be present for the purpose of cross-examination.

-2-

You will note, also, that these affidavits, and particularly the one made by T. M. Scott, make the testimony of Mary Posey and Ransom Posey very doubtful as to the death, place and time of burial, of Marion Hoover. We think, and respectfully submit, that by these two affidavits, about whose truth there can be no doubt, together with other testimony in the record, the burden should be, and is, shifted to Mary Posey, and that she should be required to take the course above suggested, and that upon her failure to comply, after a reasonable time, judgment should be rendered against her. You will please keep us informed of further action in the matter.

Respectfully,

McKennon & Dean.

7-D-468

7-2748

Muskogee, Indian Territory, May 15, 1906.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 7, 1906, requesting copy of the affidavits of T. M. Scott and T. L. Pound relative to the affidavit of W. L. Lefors which was filed by you in support of the application of Mary Posey for enrollment as an intermarried citizen of the Choctaw Nation and asking if the hearing in this case on May 21, 1906, is in the matter of the enrollment of Sarah F. Williams or in the matter of the application of Mary Posey for enrollment as an intermarried citizen of the Choctaw Nation.

In compliance with your request there are inclosed herewith copies of the affidavits of T. M. Scott and T. L. Pound. You are advised that the hearing in this case is set for May 21, 1906, for the purpose of allowing the submission of additional testimony relative to the claim of Mary Posey for enrollment as an intermarried citizen of the Choctaw Nation, and notice was forwarded you in order that you might be present at that time if you so desired.

Respectfully,

XB 1-14

Acting Commissioner.

7-D-468

Muskogee, Indian Territory, June 13, 1906.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

In compliance with your request of June 5, 1906, there is inclosed herewith copy of the testimony of T. M. Scott of May 24, 1906, in the matter of the application for the enrollment of Mary Posey as an intermarried citizen of the Choctaw Nation, together with receipt therefor which please sign and return to this office.

Respectfully,

EB 1-13

Commissioner.

7-D-468

Muskogee, Indian Territory, August 22, 1906.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of August 11, 1906, stating that you have been advised by McKennon and Dean, attorneys for Mary Williams, that they had some Arkansan at Muskogee who testified in the matter of the application for the enrollment of Mary Posey and Sarah E. Williams as intermarried citizens of the Choctaw Nation.

In reply you are advised that on May 24, 1906, proceedings were had in this case and the testimony of T. M. Seatt was introduced, a copy of which was forwarded you on June 13, 1906, and it does not appear that any additional testimony has been taken in this case subsequent to that date.

Respectfully,

Commissioner.

7-D-468

7-2748.

Muskogee, Indian Territory, December 29, 1906.

Ralls Brothers,

Attorneys at Law,

Atoka, Indian Territory.

Gentlemen:

In accordance with your verbal request, there is inclosed herewith copy of the testimony taken before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on December 21, 1906, in the matter of the applications for the enrollment of Mary Posey and Sarah E. Williams as citizens by intermarriage of the Choctaw Nation.

Kindly acknowledge receipt of the same.

Respectfully,

Commissioner.

LBA 29-4.

C.R.W.

RJH

DEPARTMENT OF THE INTERIOR

WASHINGTON

I.T.D. 7882-1907.
D. C. 13262-1907.

March 4, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following citizenship cases, adverse to the applicants, are hereby approved. A copy of Indian Office letter of March 2, 1907 (Lands 21680, etc.), submitting your reports, and recommending that the decisions be affirmed, is inclosed.

Title of Case:

Date of your
Letter of transmittal.

Harriet Mallory, Cherokee freedman,	February 28, 1907.
George Sanders, Cherokee by blood,	"
Mary L. Martin, et al., Cherokee by blood,	"
Eliza Watkins, et al., Cherokee by blood	"
Sarah A. Thompson, Cherokee by blood,	"
Colston Franklin, Cherokee freedman,	"
✓ Mary Posey, Choctaw by intermarriage,	
and William H. Williams, Choctaw by blood,	February 27, 1907.

A copy hereof, and all the papers in the above named cases, have been sent to the Indian Office.

Respectfully,

1 inc. and 14 incs.
for Ind. Off.

E. A. Hitchcock,

Secretary.

McM 3-4-07.

COPY

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

Land
File References
in body of letter.

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith several communications from the Commissioner to the Five Civilized Tribes, transmitting the record and decisions in the following citizenship matters in the Indian Territory:

21724-1907. In the matter of the application of Mary Posey for enrollment as a citizen by intermarriage and William H. Williams for enrollment as a citizen by blood of the Choctaw Nation. The record shows that the applicant, Mary Posey, contracted her marriage to the husband from whom she claims right to enrollment as a citizen by intermarriage while a previous husband, from whom she had not been divorced, was still living; and that William H. Williams, applicant for enrollment as a citizen by blood, has no claim other than that of his mother, and, the record shows, was born at such time that the presumption is, aside from the question of marriage, that he is of illegitimate birth, takes the status of his mother, and is not entitled to enrollment.

21680-1907. Harriet Mallory, applicant for enrollment as a Cherokee freedmen.

21681-1907. George Sanders, applicant for enrollment as a citizen by blood of the Cherokee Nation. Enrollment denied for the reason that the applicant is not a child of parents who have been identified and regularly enrolled citizens by blood of the Cherokee Nation, or as having application for enrollment pending April 26, 1906.

21682-1907. Mary L. Martin, Rosie E. Burke, Minnie E. Bechtel, Bertha J. Raper, and Mary E. Reddy, applicants for enrollment as citizens of the Cherokee Nation. Denied for the reason that the records of the Commissioner's office do not show that any application of any character was made for their enrollment prior to December 1, 1905.

21683-1907. Application for the enrollment of Eliza Watkins, Sarah E. Wimberly, Amey A. Hodges, Simon W. Adams, and Frank Adams as citizens by blood of the Cherokee Nation. Denied for the reason that the records of the Commissioner's office do not show that any application of any character was made for their enrollment prior to December 1, 1905.

21679-1907. Sarah A. Thompson, applicant for enrollment as a citizen by blood of the Cherokee Nation. Denied for the reason that the applicant had never been admitted to citizenship in the Cherokee Nation by any duly constituted court or commission of that Nation, or by the Commission to the Five Civilized Tribes under the authority of the provisions of the Act of Congress approved June

10, 1896, or by the U. S. Court in the Indian Territory on appeal therefrom. Hername is not found on any of the rolls of the Cherokee Nation in the possession of the Commissioner's office.

21678-1907. Colston Franklin, applicant for enrollment as a Cherokee freedman. Denied for the reason that the evidence does not show that he was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion.

The Office has examined the decision in each of these cases and is of the opinion that the decision of the Commissioner in the several cases is correct, and it is recommended that it be affirmed in each case.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HVE-W

7-D-468

Muskegee, Indian Territory, March 9, 1907.

Ralls Brothers,
Attorneys at Law,
Atoka, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of February 27, 1907, in which you ask relative to the right of Mary Posey and her child W. W. Williams to enrollment as citizens of the Choctaw Nation.

In reply to your letter you are advised that on February 27, 1907, the Commissioner to the Five Civilized Tribes denied the application for the enrollment of Mary Posey as an intermarried citizen of the Choctaw Nation and for the enrollment of her son William H. Williams as a citizen by blood of the Choctaw Nation, and on the same date the record in this case was forwarded to the Secretary of the Interior. You will be notified of Departmental action in this case.

Respectfully,

Commissioner.

Received from the Commissioner to the Five Civilized Tribes
copy of the testimony in the consolidated Choctaw citizen-
ship cases of Mary Posey (7-D-468) and Sarah E. Williams
(7-2748).

V. Hickey

For J. G. Ralls,

Attorney of Record.

Muskogee, Indian Territory, November 14, 1905.

70468

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON TO THE FIVE CIVILIZED TRIBES.
FILED

JUN 25 1906

7-D-468

Received of the Commissioner to the Five Civilized Tribes
one copy of the testimony of T. M. Scott of May 24, 1906, in the
matter of the application for the enrollment of Mary Posey as an
intermarried citizen of the Choctaw Nation.

Race & Others

Muskogee, Indian Territory,

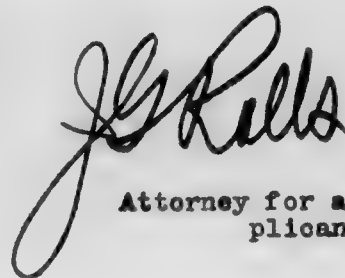
June 13, 1906.

REFUSE IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 26, 1905.

Received from the Commissioner to the Five Civilized Tribes on the above date, one copy of the testimony given by Mary Posey in the matter of the application for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation, and of William H. Williams as a citizen by blood of said nation, given June 15, 1905.



Attorney for ap-
plicant .

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Received, Atoka, Ind. Ter. Feb'y. 3rd 1901,
of the Commission to the Five Civilized Tribes, one copy of the
evidence in Choctaw Case No. D- 468,

Choctaw Nation

VS

Mary Posey et al.

J. H. Ralls
Attorney for Defendants

RALLS BROTHERS
Attorneys and Counselors
ATOKA, IND. TER.

Atoka, Indian Territory, March 8th, 1907.

Hon. Tans Bixby,

Commissioner to Five Civilized Tribes,
Muskogee, Indian Territory,

Dear Sir:

In 7-D-468, Mary Posey as Intermarried Citizen, I notice a copy of the decision has initials at upper right hand corner, W. C. F. I wish you would kindly give me the name of this party who wrote this decision and how long he has been in the employ of the Commission. To be frank about it there are things stated in this decision that are not justified by the record. The decision is absolutely wrong as to Mrs. Posey and as to her child. There is not a particle of competent proof that she ever was married to Will Blankenship and as a matter of fact, she never was married to him and never lived with him.

Thanking you in advance, I am,

Very respectfully,



Doc D469 Arie Lewis

D469

469

Arie Lewis

REFUSED. FEB 27 1907

RECORD FORWARDED DEPARTMENT.
FEB 27 1907

ACTION APPROVED BY
SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

24-1907

5 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

07

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Richville, Indian Territory, February 23, 1907.

In the matter of the application for the enrollment of
Arie Lewis as a citizen by inter-marriage of the Choctaw Nation.

Mrs. John Raleigh, being first duly sworn and examined,
testifies as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Mrs. John Raleigh.
- Q How old are you? A I am forty-six years old.
- Q What is your postoffice address? A Alderson, I.T., box 126.
- Q Were you ever personally acquainted with Arie Lewis? A Yes, sir, I have always been very well acquainted with her, ever since she was a little girl.
- Q What is the name of her father? A Sprague. I don't know what his given name is.
- Q What is the name of her mother? A Minnie Sprague.
- Q Is her mother ever known by any other name? A Yes, sir, by the name of Mrs. Riley.
- Q Do you know how old Arie Lewis is? A Arie must be about twenty-five years old.
- Q Is Arie Lewis her married name or her maiden name? A Arie Lewis is her married name.
- Q What is the name of her husband? A Her Choctaw husband, do you mean?
- Q Yes. A Howard Lewis, is his name.
- Q How many times has she been married? A She has been married three times.
- Q What are the different names of her husbands? A Howard Lewis was first and Ben Baruen was the second and the last one is Mr. Lazarus, but I don't know his first name.
- Q When was she married to Howard Lewis? A I couldn't tell exactly when it was. Howard and her were married down at Red Oak when she was just a little girl, about thirteen or fourteen years ago.
- Q When did it first come to your knowledge that they were married? A I couldn't just exactly tell. They must have been married about two years when they came up to Alderson.
- Q Were they living together as husband and wife at that time? A Yes, sir.
- Q Was Arie Lewis and her husband, Howard Lewis separated or divorced? A They were separated when their little girl was about a year old.
- Q They had a child by this first marriage, did they? A Yes, sir.
- Q About how long did they live together as husband and wife after they married and prior to their separation? A I don't think it was over four years.
- Q Where were they living at the time of their separation? A I couldn't exactly tell you where. It was at Wynnewood or Wilburton.
- Q Where did Arie Lewis go after their separation? A She went to her grandmothers out in Lincoln, Nebraska.
- Q Do you know about what year this was she went to Nebraska? A I couldn't just exactly tell you when it was. It must be about ten years ago.
- Q Where did she go to from Lincoln, Nebraska? A I don't know just how long Arie stayed there in Lincoln, Nebraska with her grandmother. Then she came back to the Territory. I think she must have been away about two years.

Arie Lewis.

- 2 -

- Q How long did she live here in the Territory on her return from Lincoln, Nebraska? A About three years.
- Q Where did she go to after that time? A She went to Kansas City.
- Q How long did she live in Kansas City? A They must have lived there in Kansas City about four years when the second husband died.
- Q Where did she go to from Kansas City, after the death of her second husband? A New York City.
- Q Did she marry her third husband while in New York? A I don't know.
- Q Did she ever return to the Indian Territory after she went to New York City? A No, sir, she never did.
- Q Do you know where her present address is. A I couldn't tell you. After she went to New York, I don't know anything more about her.
- Q Did you ever know her a dress while she was in New York City? A No, sir, I didn't, she wrote from the Waldorf-Astoria Hotel.
- Q How long ago has it been since you received a letter from Arie Lewis written from the Waldorf-Astoria Hotel? A About three years ago.
- Q Where was Arie Lewis living from about the year 1897 until 1903? A She was living in Alderson in 1897, and lived there about two years and then went to Kansas City.
- Q After she went to Kansas City did she ever re-visit the Indian Territory prior to her going to New York City? A Yes, sir, two times.
- Q About how long did she remain upon these visits? A About a week at a time.

(Witness excused)

I, Fay E. Blachert, stenographer to the Commissioner to the Five Civilized Tribes, upon oath, state that I reported the proceedings in the above and foregoing cause, and that the same is a true and correct transcript of my stenographic notes taken therein.

Fay E. Blachert

Subscribed and sworn to before me this 23rd day of February, 1907.

Richard Shanafelt
Notary Public.

0101-6
~~61-1-1-6~~

Commissioner to the Five Civilized Tribes

MAR 6 1907

W. H. H. H.
Commissioner

469

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the :
enrollment of Arie Lewis, as a citizen : PETITION.
by intermarriage of the Choctaw Nation. :

Comes now Arie Lewis, by her attorney, Guy P. Cobb, and respectfully represents: That she is a citizen of the Choctaw Nation, by intermarriage, and that application for her enrollment as such citizen has been made prior to December 1st, 1905, as shown by the records of the Commissioner to the Five Civilized Tribes; that prior to December 25, 1902, there was filed with the Commission to the Five Civilized Tribes the certificates of marriage of your petitioner to Howard Lewis, a recognized and enrolled citizen by blood of the Choctaw Nation, and that prior to December 1, 1905, application for the enrollment of your petitioner as a citizen by intermarriage of said Nation was made on her behalf to the said Commission to the Five Civilized Tribes, and the Commissioner to the Five Civilized Tribes, as will more fully appear by the records in charge of said Commissioner; that the filing of the said marriage certificate showing the marriage of your petitioner to the said Howard Lewis filed in connection with enrollment of ^{Maria} ~~Maria~~ Arie Lewis was intended for, and was, an application for the enrollment of your petitioner as a citizen by intermarriage of said Nation.

Your petitioner further represents that no action has been taken by the Commissioner to the Five Civilized Tribes upon said application for her enrollment as a citizen by intermarriage.

WHEREFORE, your petitioner respectfully prays that her application for enrollment as a citizen by intermarriage of said Nation receive consideration, and that her right to enrollment as such citizen by intermarriage be determined by said Commissioner, and that if the evidence now on file in the office of said Commissioner is not deemed sufficient to establish the right of your petitioner to such enrollment, that she be permitted to introduce further evidence thereof.

Guy P. Cobb
Attorney for Petitioner.

(COPY).

Commission to the Five Civilized Tribes,
South McAlester, Indian Ter.

In the enrollment of Arie Lewis as an intermarried Choctaw;
being sworn and examined by Com'r McKennon she states:

- Q What is your name? A Arie Lewis.
- Q How old are you? A Twenty-two.
- Q What was your Choctaw husband's name? A Howard Lewis.
- Q When were you married to him? A First day of May, five years ago. Five years ago last May, - that was in 1894.
- Q How long did you live with him? A Two years and six months.
- Q Were you separated from him before you made application to the Dawes Commission? A No sir, I didn't make application; he did, after we were separated he sent our marriage certificate to them.
- Q He made the application for you? A Yes sir.
- Q Have you ever lived with him since that time? A No sir.
- Q You were divorced from him? A Yes sir.
- Q Where did you obtain a divorce? A Here in the United States Court in South McAlester.
- Q Can you give the date? A No sir.
- Q You say last May two years ago? A It was in April I got the divorce, I think it was 1897.
- Q And you haven't lived with him since? A No sir.

Examined by Choc Com'r Lewis:

- Q Did you swear you were a citizen of the United States when you filed the petition for the divorce? A Yes sir, Hale & Fanin got the divorce, and they knew the circumstances; I didn't swear anything I don't think.

Department of the Interior,
Commission to the Five Civilized Tribes,
I hereby certify, upon my official oath as stenographer
to above named commission, that this transcript is a true,
full and correct translation of my stenographic notes.

(Signed) M. D. Green.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 12, 1902.

.....
:: In the matter of the application ::
:: of Aris Lewis for enrollment as a ::
:: citizen by intermarriage of the ::
:: Chectaw Nation. ::
.....
::

D-469.

On the 4th day of March, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902 the attorneys for the Chectaw and Chickasaw Nations were notified by registered mail, that the application of Aris Lewis for enrollment as a citizen of the Chectaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 12th day of April, 1902, for final consideration.

Now on this 12th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Chectaw Nation failed to appear, and the applicants being called, failed to appear, either in person or by attorney.

-----;-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 12, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 12 day of April, 1902.

Clara M. Belford

Notary Public.

(COPY).

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) ss.
CENTRAL DISTRICT.)

I, E. J. Fannin Clerk of the United States Court for the Central District of the Indian Territory, do hereby certify that upon examination of the records in my office at South McAlester, Indian Territory, I do find that, on the 8th day of September 1897, upon the report of the Master in chancery, which said report was by the Court confirmed and approved, the Court rendered a decision in the case of Arle Lewis, plaintiff, versus Howard Lewis, defendant, wherein the plaintiff prayed for an absolute divorce and the custody of the child, holding:

"It is therefore, ordered, adjudged and decreed that the bonds of matrimony existing between the plaintiff and the defendant be, and the same are hereby, dissolved, set aside and held for naught."

It further appears from the records in this case on file in my office that plaintiff, Arle Lewis, in her complaint, states, in part, as follows:

" She is a resident of the Central District of the Indian Territory and a citizen of the United States, and that the defendant, Howard Lewis, is to be found in the Central District of Indian Territory. That on or about the 1st day of May 1894 she was lawfully married to the defendant, Howard Lewis, in the State of Arkansas; that soon after said marriage defendant became very cruel and inhuman in his treatment of the plaintiff, etc., etc.,".

I further certify that it appears from the deposition of Minnie Reley that the plaintiff and defendant were married on the 1st day of May 1894 in the State of Arkansas, and also from the

deposition of the plaintiff, Arie Lewis, that she was lawfully married to the defendant, Howard Lewis, in the State of Arkansas, on the 1st day of May 1894. Said depositions were filed in the case of Arie Lewis versus Howard Lewis in my office at South McAlester, Indian Territory, on the 13th day of April 1897.

In witness whereof I have hereunto set my hand and affixed the seal of said Court, on this the 15th day of November, 1906.

E. J. Fannin,

(SEAL)

Clerk Cent Dist Ind Ty.

Indorsed:

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Nov. 2, 1906.
Tams Bixby, Commissioner.

Choctaw-D-469.

Muskogee , Indian Territory, February 26, 1903.

Arie Lewis,

Alderson, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903.

The Act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory March 10, to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

7-D-469.

Muskogee, Indian Territory, August 16, 1904.

Arie Lewis,

Alderson, Indian Territory.

Dear Madam:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

7-D-469.

Muskogee, Indian Territory, November 9, 1905.

Arie Lewis,

Alderson, Indian Territory.

Dear Madam:

You are hereby notified that before any further action can be taken in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be necessary for you to appear at the office of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, and give testimony relative to your intermarriage status on September 25, 1902.

Kindly give this matter your immediate attention.

Respectfully,

Commissioner.

7-D-469.

Muskogee, Indian Territory, November 9, 1905.

Postmaster,

Alderson, Indian Territory.

Dear Sir:

On September 6, 1899, Arie Lewis appeared before the Commission to the Five Civilized Tribes, at South McAlester, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Frequent letters addressed to her at her last known post office address at Alderson, Indian Territory, have been returned unclaimed.

If you have any knowledge relative to the whereabouts of said applicant, kindly notify this office of the same at the earliest possible date.

Respectfully,

Commissioner.

Env.

7-D-469

Muskogee, Indian Territory, November 20, 1905.

R. A. Nash, Post Master,
Alderson, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 16, 1905, in which you state that Arie Lewis is in New York City and that her address can probably be secured from Mrs. John Raleigh, Richville, Indian Territory.

You have the thanks of this office for your attention in the matter.

Respectfully,

Acting Commissioner.

7-D-469.

Muskogee, Indian Territory, November 20, 1905.

Mrs. John Raleigh,

Richville, Indian Territory.

Dear madam:

On September 8, 1899, Arie Lewis appeared before the Commission to the Five Civilized Tribes, at South McAlester, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Frequent letters addressed to her at her last known post office address at Alderson, Indian Territory, have been returned unclaimed.

If you have any knowledge relative to the whereabouts of said applicant, kindly notify this office of the same at the earliest possible date.

Respectfully,

(Signed) WM. O. Beall,

Acting Commissioner.

Env.

No such P. O. and P. M. at Muskogee refuses to mail out.

11/22/05.

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Nov. 22, 1905.
Tams Bixby, Commissioner.

7-D-469.

Muskogee, Indian Territory, November 27, 1906.

Post master,

Alderson, Indian Territory.

Dear Sir:

November 16, 1905, a letter was received from you in which you state that Arie Lewis an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation whose post office address was formerly Alderson, Indian Territory, was in New York City and that her address could probably be secured from Mrs. John Raleigh at Richville, Indian Territory, but a letter addressed to Mrs. Raleigh was returned by the post master at Muskogee, Indian Territory with the information that there was no such post office in Indian Territory.

I now have to request that if possible you furnish information as to the post office of Mrs. John Raleigh or any other person from whom the address of Arie Lewis might probably be secured and you have the thanks of this office for your attention to the matter.

Respectfully,

Commissioner.

7-D-469
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Arie Lewis as a citizen by intermarriage of the Choctaw Nation.

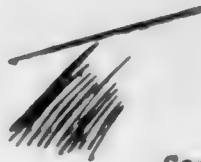
D E C I S I O N .

It appears from the census card record in this case that on September 8, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Arie Lewis as a citizen by intermarriage of the Choctaw Nation.

It appears from the records of the Commission to the Five Civilized Tribes that on September 8, 1896, in the case entitled "Howard Lewis, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 1227), original application was made to said Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for the admission to citizenship in the Choctaw Nation of the applicant, Arie Lewis, as a citizen by intermarriage thereof; and that on December 8, 1896, said Commission rendered its decision therein admitting said Arie Lewis as a citizen by intermarriage of the Choctaw Nation, from which decision no appeal was taken.

Although ample opportunity has been afforded the applicant to show that she was a resident in good faith of the Indian Territory at all times prior to September 25, 1902, she has failed to do so.

I am, therefore, of the opinion that following the ruling of the Department of January 14, 1907, in the case of Thad Smith (I.T.D. 60-1907), the application for the enrollment of Arie Lewis as a citizen by intermarriage of the Choctaw Nation, should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

FEB 27 1907

7-D-469

Muskogee, Indian Territory, February 27, 1907.

Arie Lewis,

Alderson, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Registered.
Incl. 7-D-469.

7-D-469

Muskogee, Indian Territory, February 27, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application for the enrollment of Arie Lewis as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tams Bixby*

Commissioner.

7-D-469.

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Arie Lewis as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, denying said application.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

2 Incl.

Through the
Commissioner of Indian Affairs.

SPECIAL.

D. O. 13274.
I. T. D. 7806-1907.
LES.
DIRECT.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

CRW.

S. P.

March 4, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

March 2, 1907, the Indian Office transmitted the record,
together with your adverse decisions in the following enrolment
cases, concurring in your decisions:

Title of Case.

Dora Riley, et al. (intermarried Chee.),
George Crawford (intermarried Chee.)
Abraham H. Nail, et al. (Chectaw).
Wannie Guess, et al. (Chectaw freed.)
Neel Walker (Chee. freed.)
Patric Alexander (Chee. freed.)
Arie Lewis (intermarried Chee.)
George Rosenthal (intermarried Chee.)
Ada Welsh, et al. (Chee. by blood)
William E. Moore, et al. (Chee. by blood)
William B. Hill, et al. (Chectaw)
James A. Blackburn, et al. (Cherokee)
Andrew T. Watis, et al. (Cherokee freed.)

The Department cannot concur in your decision in the
case of Dora Riley, applicant for enrolment as a citizen of the
Chectaw Nation.

In view of the opinion of the Attorney General in the
case of William C. Thompson, et al., you are directed to enroll
the said Dora Riley as a citizen by intermarriage of the Chectaw
Nation.

The application for the enrolment of her child Florence

-2-

L. Riley is denied in accordance with your decision.

The Department cannot concur in your decision adverse to George Crawford, applicant for enrolment as a citizen by intermarriage of the Choctaw Nation, as he was married to a woman admitted to citizenship in the Choctaw Nation by the Commission in 1896. You are accordingly directed to enroll him as a citizen by intermarriage of the Choctaw Nation.

In the other cases submitted, the Department concurs in your decisions adverse to the applicants.

They are accordingly affirmed.

The papers have been sent to the Indian Office, together with a copy hereof.

Respectfully,

E. A. Hitchcock,

Secretary.

26 inc. to Ind. Of.
MCH. 3-4-07.

Refer in reply to the following.

(COPY)

Land
References in
body of letter
D. C. 13274

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There are forwarded herewith several reports from Commissioner Bixby, transmitting the records in certain citizenship cases, together with the decisions of the Commissioner, denying the applications for the enrollment of all the persons involved in the following cases:

CHEROKEES BY BLOOD.

21809. James A. Blackburn, et al.,

CHEROKEE FREEDMAN.

21808. Andrew T. Watie, et al.

CHOCTAWS BY BLOOD.

21783. William B. Hill, et al.

21782. William E. Moore, et al.,

21779. Abraham H. Nail, et al.,

21778. Dora, et al.

21775. Ada Walsh, et al.

CHOCTAWS BY INTERMARRIAGE.

21778. Dora, et al.,

21779. Abraham H. Nail, et al.

-2-

21781. George Rosenthal.
21780. Arie Lewis.
21776. George Crawford.
CHOCTAW FREEDMEN.
21784. Patsie Alexander.
21785. Noel Walker.
21777. Hannie and Isabell Gue.

The Office has examined the record in each of the above cases and recommends that the decisions of the Commissioner denying the applications of the persons involved therein be approved.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

AJV:LM

7-D-109

Muskogee, Indian Territory, April 9, 1907.

Arie Lewis,

Alderson, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

7-D-469

Muskogee, Indian Territory, April 9, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application for the enrollment of Arle Lewis as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

Choctaw 3040

Choctaw D469

Muskogee, Indian Territory, March 18, 1903.

Mansfield, McMurray & Cornish,

South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of March 11, asking the citizenship status of Mrs. Arle L. Lewis and her child, Marie Lewis. You desire to be advised whether the child is a citizen of unquestioned status, and if the Commission is in possession of information relative to the remarriage of the mother to a United States citizen.

In reply to your letter you are advised that it appears from our records that Marie Lewis, daughter of Howard and Arle Lewis, has been enrolled by this Commission as a citizen by blood of the Choctaw Nation and on January 17, 1903, her enrollment was approved by the Secretary of the Interior.

It further appears from our records that Arle Lewis has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation, having been admitted as such intermarried citizen by this Commission under the act of Congress of June 10, 1896, and no appeal having been taken to the United States Court in Indian Territory within the time prescribed by the act of Congress above referred to.

M MoM & C 2

You are further advised that it does not appear from our records that any information has been filed relative to the remarriage of Aris Lewis to a United States citizen.

Respectfully,

Chairman.

Muskogee, Indian Territory, September 13, 1904.

Mansfield, McHurry & Cornish,

Attorneys at Law.

South McAlester, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 3rd inst., regarding information relative to the status of the application for the enrollment of Arie L. Lewis, former wife of Howard Lewis, and whether or not sufficient evidence has been taken to enable the Commission to finally dispose of said case.

You are advised that before the application for enrollment of Arie Lewis can be given further consideration it will be necessary that she appear before the Commission at its office in Muskogee, Indian Territory for the purpose of giving testimony relative to her status as an inter-married citizen of the Choctaw Nation on September 25, 1902.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 12, 1904.

Arie Lewis,

Alterson, Indian Territory,

Dear Madam:-

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, you are advised that before further consideration can be given said application it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902. For this purpose you are requested to appear at the office of the Commission at Muskogee, Indian Territory as soon as possible.

Respectfully,

Chairman.

7-D-469

Muskogee, Indian Territory, March 11, 1907.

Guy P. Cobb,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of petition filed by you for action in the matter of the application for the enrollment of Arie Lewis as a citizen by intermarriage of the Choctaw Nation.

In reply to your letter you are advised that on February 27, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Arie Lewis as and intermarried citizen of the Choctaw Nation, and on the same date the record in this case was forwarded to the Secretary of the Interior. You will be notified of Departmental action in this case.

Respectfully,

Commissioner.

Muskogee, Oklahoma, March 9, 1909.

Mrs. Arie Lazarus,
503 West 138th Street,
New York City, N. Y.,

Madam:

Receipt is hereby acknowledged of your letter of March 1, asking when the next Indian land payment will be made, and requesting to know if the land has decreased in value. You ask the name of some responsible person to sell your land, which, you say, is located near Wynnewood.

In reply you are advised that it appears from the records of this office that Arie Lewis, daughter of Irvin Sprague and Minnie Riley, was an applicant for enrollment as an intermarried citizen of the Choctaw Nation, claiming the right to such enrollment through her husband, Howard Lewis. This application was denied by the Commissioner to the Five Civilized Tribes February 27, 1907, and that action was approved by the Department March 4, 1907. It is believed that you are identical with the person above referred to, and it is not, therefore, apparent that you would be entitled to any land in the Choctaw or Chickasaw Nation.

Respectfully,

AB

Acting Commissioner.

MEMORANDA.

(Date) Jan 1899.

Name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

we Married under what law?

License filed this day,

Wife's name, Annie Lewis

Choctaw? yes County Year No.

Chickasaw? yes County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen? yes

Married under what law?

License filed this day

Names of children:

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

Admitted to State Court # 1227
as to marriage, deposition, divorce
see her testimony

L 4169

Choc 0470 Folsom Carney

0470

470

FOR MATTER OF THE APPLICATION OF
FOLSON CARNEY
FOR ENROLLMENT AS A CITIZEN OF THE
CHOCTAW NATION.

REFUSED. MAY 2 1903

COPY OF DECISION FORWARDED
APPLICANT MAY 2 1903

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. MAY 2 1903

RECORD FORWARDED DEPARTMENT.
MAY 2 1903

ACTION APPROVED BY
SECRETARY OF INTERIOR.
NOV 24 1903

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT
DEC 4 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
DEC 4 1903

Commission to the Five Civilized Tribes,
South McAlester, Indian Ter.

In the enrollment of Wilson Garney as a Choctaw; being sworn
and examined by Com'r McKennon he testified as follows:

- Q What is your name? A Wilson Garney.
Q How old are you? A Twenty-one.
Q Your mother is a Creek? A Yes sir.
Q She is enrolled up there as a Creek? A Yes sir.
Q You are too? A Yes sir.
Q When was you enrolled there last? A I don't know.
Q You have been enrolled there all the while?
A Yes sir.
Q Drew money there all the while? A Yes sir.
Q Where have you been living? A I was born here.
Q Your father was a Choctaw? A Yes sir.
Q What is your mother's name? A Lissie Garney.
Q Is that her name now? A Yes sir.
Q Have you got any children? A No sir.

Examined by Chas Com'r Lewis:

- Q Have you got a wife? A Yes sir.
Q Is she Choctaw? A Yes sir.

(Com'r McKennon advises applicant to come to Muskogee in
about two weeks, and see about his enrollment.)

Department of the Interior,

Commissioner of the Five Civilized Tribes.
I hereby certify that the foregoing is a true and correct
transcription of the deposition of
my stenographic notes.

M. D. Green

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES Choctaw -470.

Muskogee, Indian Territory, March 3, 1902.

Folsom Carney,

Featherstone, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,
Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 12, 1902.

.....
:: In the matter of the application ::
:: of Folsom Carney for enrollment as ::
:: a citizen by blood of the Choctaw ::
:: Nation. ::
.....

D-470.

On the 4th day of March, 1902, the applicant was notified by registered mail, and on the 8th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Folsom Carney for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 12th day of April, 1902, for final consideration.

Now on this 12th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, Folsom Carney appears in person, and being first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Folsom Carney.
Q Carney? A Yes sir.
Q How old are you at this time? A About twenty-three years old, I think.
Q About twenty-three or four did you say? A Yes sir.
Q What is your post office address? A Featherstone.
Q Featherstone, Choctaw Nation? A Yes sir.
Q Do you claim to be a Choctaw by blood? A Why, my father claimed to be a Choctaw.
Q What was your father's name? A His name was Robert Carney; English name.
Q Robert Carney? A Yes sir.
Q Was he a Choctaw? A Why, he claimed to be a Choctaw.
Q Is he living or dead? A He's dead.
Q How long has he been dead? A He's been dead about six or seven years.
Q Was he ever on any of the Choctaw rolls? A Yes, I think he was.
Q What County in the Choctaw Nation did he belong, do you know? A Sans Bois County.
Q Sans Bois? A Yes sir.

(2).

- Q What was your mother's name? A Lizzie Carney.
Q Lizzie Carney? A Yes sir.
Q Is she living? A Yes sir.
Q Has she ever married again since your father died? A No sir.
Q Still a widow? A Yes sir.
Q Is she a white woman or is she a Choctaw? A Why, she claims to be a Creek.
Q She claims to be a Creek? A Yes sir.
Q Do you know whether she is on any of the Creek rolls or not? A Whi, her name's on the roll.
Q Her name's on the roll? A Yes sir.
Q Have you ever been on any of the Creek rolls? A Yes sir.
Q You have? A Yes sir.
Q Are you-----have you ever been on any of the Choctaw rolls? A Yes sir, they put my name on the roll.
Q On which roll? A On the Choctaw.
Q On the 1896 or the '93 roll? A No sir, I don't know. I don't remember.

Reference is hereby made to the 1896 Choctaw Census Roll, where the name of this applicant appears, No.2187, as a resident of Sand Bois County.

- Q You say you have been on the Creek rolls? A Yes sir.
Q Have you ever applied to the Dawes Commission for enrollment as a Creek? A Yes sir.
Q You have? A Yes sir.
Q Did they list you? A Why they-----.
Q What town in the Creek Nation does your mother belong to? A I don't recollect now.
Q Did she draw any Creek money? A Yes sir.
Q How much did she draw? A I don't recollect. Once she drew twenty-nine dollars.
Q You don't remember the town? A Okchie Town.

Folsom Carney, the applicant here for enrollment as a citizen of the Choctaw Nation is a citizen of the Creek Nation and his enrollment as such by the Commission to the Five Civilized Tribes has been approved by the Secretary of the Interior, his name appearing upon the roll of the citizens of the Creek Nation, No.8317, and on September 3, 1901, he selected his allotment as a citizen of the Creek Nation.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 12, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 12th day of April, 1902.
Hal Belford
James H. Wood Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I.T., SEPTEMBER 3rd, 1901.
MUSKOGEE LAND OFFICE

IN THE MATTER OF THE APPLICATION OF Fulson Carney to take an allotment of land in the Creek Nation, accompanied by a proper description of the land applied for, and a certificate showing that he has been listed for enrollment as a citizen of said Nation. FULSON CARNEY, being first duly sworn by P. B. Hopkins, Notary Public testified as follows:

- Q What is your name? A Fulson Carney.
Q What is your postoffice address? A Featherstone.
Q Are you a citizen of the Muskogee Nation? A Yes, sir.
Q To what town do you belong? A Okchiye.
Q How long have you lived in the Creek Nation? A I never have lived in the Creek Nation: I have lived in the Choctaw Nation all my life.
Q Have you been outside of the Territory in the last four years? A No, sir.
Q Do you own a home in the Creek Nation? A No, sir.
Q You make application for yourself for the south forty acres of Lot 7 and the south forty acres of Lot 8, all of Section 26, Township 11, Range 14, containing eighty acres, is that correct? A Yes, sir.
Q Are there any improvements on this tract of land? A No, sir.
Q Is there a house on it? A No, sir.
Q Does any one else claim this land or any part of it? A No, sir.
Q Have you been over and examined this land with a view to making this application for it? A Yes, sir, last Saturday.
Q Is it prairie or timber land? A Bottom land.
Q Is this land suitable for a home for you? A Yes, sir.
Q Do you accept this land as your final allotment in the Creek Nation? A Yes, sir.
Q Have you made this selection in good faith in all respects? A Yes, sir.
Q Are there any churches, school-houses, court-houses or burial grounds on this land? A No, sir.

(Signed) Fulson Carney.

Subscribed and sworn to before me this the 3rd day of September, A. D., 1901, at Muskogee, Indian Territory.

(Signed) Philip B. Hopkins

Notary Public.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the testimony in the matter of the application of Fulson Carney to take an allotment of land in the Creek Nation, and that the above and foregoing is a true and complete copy of the original of said application.

H. H. Cravens.

Subscribed and sworn to before me this 7th day of March, A. D., 1903, at Muskogee, Indian Territory.

L. H. Cravens.
NOTARY PUBLIC.

L G D

7 D 470

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Folsom Carney as a citizen by blood of the Choctaw Nation.

DECISION.

It appears from the census card record in this case that Folsom Carney appeared before the Commission at South McAlester, Indian Territory, on September 8, 1899 and made personal application for enrollment as a citizen by blood of the Choctaw Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on April 12, 1902.

It further appears from the evidence and records in the possession of the Commission that Folsom Carney is the son of Robert Carney (deceased), a recognized citizen by blood of the Choctaw Nation, and Lizzie Carney, a recognized citizen by blood of the Creek Nation, and that the said Folsom Carney has been recognized and enrolled by the tribal authorities of both the Creek and Choctaw Nations as a citizen by blood of said nations.

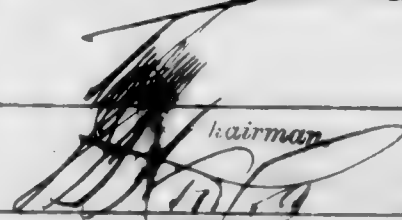
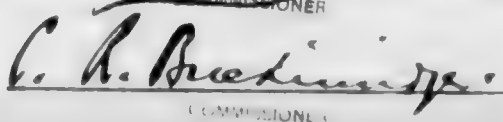
It further appears from the records in the possession of the Commission that Folsom Carney has been finally enrolled by this Commission as a citizen by blood of the Creek Nation, his name appearing as Folsom Carney, number 8317, upon the lists prepared by this Commission under the act of Congress approved March 1, 1901 (31 Stat., 861), of persons entitled to enrollment as citizens by blood of the Creek Nation, and approved by the Secretary of the Interior on March 28, 1902; that he appeared before the Commission on September 3, 1901, and made application for and received his allotment of lands in the Creek Nation. A certified copy of the transcript of his testimony in the matter of his application for allotment of lands in the Creek Nation, now on file in the Creek Allotment Division, is attached hereto and made a part of the record in this case.

It is, therefore, the opinion of this Commission that the application for the enrollment of Folsom Carney as a citizen by blood of the Choctaw Nation should be denied under the provisions of section twenty-nine of the act of Congress approved July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

MAY 2 1903


Chairman

C. R. Brundage
Commissioner

Choctaw D-470

COPY.

Muskogee, Indian Territory, May 2, 1903.

Folsom Curney,

Peatherstone, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying your application for enrollment as a citizen by blood of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED:

Tame Bixby.
Chairman.

Register.

Kne. NEW 53.

Choctaw D-170

COPY.

Muskogee, Indian Territory, May 8, 1903.

Manafield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application of Folsom Carney for enrollment as a citizen by blood of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED),

Tamm F. Kirby.
Chairman.

Enc. NEW 54.

COPY.

Muskogee, Indian Territory, May 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Felsen Garney for enrollment as a citizen by blood of the Choctaw Nation, including the decision of the Commission dated May 2, 1903, denying said application.

Respectfully,

(SIGNED)

Choctaw D-470

Through the

Commissioner of Indian Affairs.

James D. Doby

Chairman.

COPY.

Chectaw B-470.

Muskogee, Indian Territory, May 2, 1903.

Creek Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application of Folsom Carney for enrollment as a citizen by blood of the Chectaw Nation.

It appears from the records in the possession of the Commission that Folsom Carney has been finally enrolled by this Commission as a citizen by blood of the Creek Nation, his name appearing as Folsom Carney, number 8317, upon the lists prepared by the Commission under the act of Congress approved March 1, 1901 (31 Stat., 861), of persons entitled to enrollment as citizens by blood of the Creek Nation, and approved by the Secretary of the Interior on March 28, 1902.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Enc. ALI. 1.

(COPY).

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land.
29,212-1903.

WASHINGTON,

Oct. 22, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is enclosed, herewith, a report of the Commission to the Five Civilized Tribes, dated May 2, 1903, transmitting the record relative to the application of Folsom Carney for enrollment as a citizen by blood of the Choctaw Nation.

May 2, 1903, the commission held that the applicant was not entitled to enrollment.

The record in this case shows that Folsom Carney is a son of Robert Carney, deceased, a recognized citizen by blood of the Choctaw Nation, and Lizzie Carney a recognized citizen by blood of the Creek Nation. It appears that he has been enrolled as a citizen of the Creek Nation on the approved partial roll opposite No. 8317. A copy of the testimony in the matter of his application for an allotment of lands in the Creek Nation, is a part of the record in this case.

As this applicant had rights in two nations and elected to take those rights in the Creek Nation, approval of the commission's decision denying him ^{the} right to enrollment as a citizen of the Choctaw Nation is recommended.

Very respectfully,

(G.A.W.)P.

W.A. Jones,
Commissioner.

(COPY).

DEPARTMENT OF THE INTERIOR,

E.A.F.

D.C. 33011.
I.T.D. 7586-1903.
L.R.S.

WASHINGTON, November 24, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:-

May 2, 1903, you transmitted the record in the matter of the application for enrollment of Folsom Carney as a citizen by blood of the Choctaw Nation.

It appears that the father of this applicant was a recognized citizen by blood of the Choctaw Nation; that the applicant's mother is a recognized Creek citizen by blood; that the applicant has been enrolled by both the Choctaw and Creek ^{tribal} authorities as a citizen; that the applicant has been enrolled by the Commission as Folsom Carney, No. 8317, upon a partial roll of the Creek Nation which was approved by the Department March 28, 1902, and that on September 3, 1901, he applied for and received an allotment of land in the Creek Nation. You therefore denied the application May 2, 1903.

Reporting October 22, 1903, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is enclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

7-D-470.

Muskogee, Indian Territory, December 4, 1903.

Folsom Garney,

Featherstone, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of November 24, 1903, affirmed the decision of this Commission dated May 2, 1903, refusing your application for enrollment as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED).

Tams Bixby.

Chairman.

COPY.

7-D-470.

Muskogee, Indian Territory, December 4, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of November 24, 1903, affirmed the decision of this Commission dated May 2, 1903, refusing the application of Folsom Garney for enrollment as a citizen of the Choctaw Nation.

Respectfully,

SIGNED

James Dixby.

Chairman.

COPY.

7-D-470

Muskogee, Indian Territory, December 4, 1903.

Creek Enrollment Division,

Commission to the Five Civilized Tribes,

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of November 24, 1903, affirmed the decision of this Commission, dated May 2, 1903, refusing the application of Folsom Carney for enrollment as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED).

Samuel Dierby

Chairman.

Muscogee, Indian Territory,

August 18th, 1900.

Folsom Carney,

Featherstone, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-470.

Muskogee, Indian Territory, September 25, 1902.

Postmaster,

Featherston, Indian Territory.

Dear Sir:-

On March 5, 1902, there was forwarded from this office, by registered mail, register No. 3364, a letter addressed to Folsom Carney, Featherston, Indian Territory, for which no delivery receipt has yet been received. If this letter has been delivered, please advise date of such delivery; if on hand unclaimed, please return same to this office.

Respectfully,

Acting Chairman.

(Copy)

L. C. FEATHERSTON & CO.,
Dealers in
GENERAL-----MERCHANDISE.

Featherston, I. T., Oct. 20, 1902.

-7- D-47C-

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

Again referring to your communication of September 25th, in regard to registered letter addressed to Fulsom Carney, Featherston, I.T. Register No. 3364, will say that I have written the young lady that was acting as assistant P.M. here at that time. In reply she states that she has distinct recollection of this letter being delivered to said Fulsom Carney. However, this letter was not delivered by her in person, but by another party that was attending to the store and Post Office work. I suppose that through inexperience that this party overlooked the necessity of having the return card signed.

Have not as yet been able to see Fulsom Carney and understand that he is still out of the country, will endeavor to ascertain from him whether or not he received this letter.

Respectfully,

L. C. Featherston, P.M.

Per J.E.L., Asst.

COMMISSIONERS:

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYERSWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Creek I 3075.

Muskogee, Indian Territory, February 17, 1903.

Commission to the Five Civilized Tribes,

Choctaw-Chickasaw Enrollment Division.

Gentlemen:

You are hereby advised that Fulson Carney, aged 23, is regularly enrolled on Creek Indian Card Field No. 3075; that selection of land has been made for him in the Creek Nation, and that his name is included in a schedule of Creek citizens by blood approved by the Secretary of the Interior, March 28, 1902.

It appears from the records of the Creek Enrollment Division that Robert Carney, deceased, a Choctaw citizen, was the father, and Lizzie Karny, a citizen by blood of the Creek Nation, is the mother, of said Fulson Carney.

Respectfully,


Acting Chairman.

* 8317 Opposed

7 3470

MINISTER OF THE INTERIOR
JAMES B. RAY,
THOMAS B. NEEDLES,
S. R. BARNHARTMAN.

ALLISON L. AVERSWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

wofa
Creek I 3075.

Muskogee, Indian Territory, February 19, 1903.

Commission to the Five Civilized Tribes,

Choctaw-Chickasaw Enrollment Division.

Gentlemen:

You are hereby advised that Fulson Carney, aged 23, a son of Robert Carney, deceased, a Choctaw citizen, and Lizzie Carney, a Creek citizen, is enrolled on Creek Indian Card Field No. 3075, Roll No. 8317, and that his name is included in a schedule of Creek citizens by blood approved by the Secretary of the Interior, March 28, 1902.

You are further advised that the said Fulson Carney personally appeared before the Commission on September 3, 1901, and made application for an allotment of land in the Creek Nation, and (thereupon, the south 40 acres of Lot 7, and the south 40 acres of Lot 8, of Section 26, Township 11, Range 14, was allotted to him by the Commission, and that thereafter, on April 12, 1902, he received and accepted a certificate of selection covering the land embraced in his allotment of 80 acres, as aforesaid; that on September 3, 1901, the said Fulson Carney again personally appeared before the Commission and made application for the SW/4 of the NE/4, and Lot 2, of Section 6, Township 10, Range 15, embracing 79.63 acres. It appearing, however, that this tract of land had been

previously filed on by Agnes Marshall, he was given due notice that said land would not be allowed him until he had instituted contest proceedings against the said Agnes Marshall and his rights thereto were determined by the Commission. No contest proceedings having been instituted by the said Fulsom Carney against the said Agnes Marshall, on June 12, 1902, he was duly notified by the Commission that he would be allowed thirty days from that date to perfect a selection of land for himself, either by instituting contest proceedings against the said Agnes Marshall for the land last described, as aforesaid, or by making application for other land in the Creek Nation, and if at the expiration of said thirty days he did not take steps to perfect his selection, the Commission would make an allotment to him, in conformity with the provisions of section 3 of the Creek agreement ratified May 25, 1901. Said Fulsom Carney having failed to institute contest proceedings against said Agnes Marshall or make application for other land in the Creek Nation within the thirty days notice given him to do so, as aforesaid, on August 8, 1902, his application for the land filed on by the said Agnes Marshall was dismissed, and the Commission allotted to him the N/2 of the NE/4 of Section 16, Township 19, Range 9, embracing 80 acres of land, and selected therefrom for his homestead the NE/4 of the NE/4 of said Section 16, Township 19, Range 9, embracing 40 acres.

Respectfully,



Acting Chairman.

COPY.

Choctaw D-470.

Muskogee, Indian Territory, May 2, 1903.

Creek Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application of Folsom Carney for enrollment as a citizen by blood of the Choctaw Nation.

It appears from the records in the possession of the Commission that Folsom Carney has been finally enrolled by this Commission as a citizen by blood of the Creek Nation, his name appearing as Fulsom Carney, number 8317, upon the lists prepared by the Commission under the act of Congress approved March 1, 1901 (31 Stat., 861), of persons entitled to enrollment as citizens by blood of the Creek Nation, and approved by the Secretary of the Interior on March 28, 1902.

Respectfully,

(SIGNED).

James Bixby.
Chairman.

Enc. ALI. 1.

CHOCTAW D 47

Arthur C. Messick

Record transferred to

CHOCTAW # 5835.

CHOCTAW D 47

Emma Davis

GRANTED.

*and transferred
to Choctaw 5939*

MAY 15 1905

CHOCTAW D. 47

Zona Willis, et al.

CANCELLED

and transferred to CHOCTAW
card No. 5968, OCT 21 1905

Choc D474 Marshall A. Turner

D474

Marshall A. Turner

DECISION RENDERED FEB 17 1905

REFUSED

COPY OF DECISION FORWARDED

APPLICANT FEB 17 1905

COPY OF DECISION FORWARDED

ATTORNEYS FOR CHOCTAW AND

CHICKASAW NATIONS.

NOTICE OF DECISION

FORWARDED ATTORNEY

FOR APPLICANTS.

FEB 17 1905

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 31 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

APR 11 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APR 11 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

APR 11 1905

COPY.

7-D-474.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Marshall A. Turner as a citizen by intermarriage of the Choctaw
Nation.

-: D E C I S I O N :-

It appears from the record herein that on September 11, 1899, Marshall A. Turner made application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation, claiming the right thereto by reason of his marriage, under the laws, customs and usages of the Choctaw Nation, on September 6, 1899, to Martha Etta Turner (nee Askew), an alleged citizen by blood of the Choctaw Nation.

It appears from the records of the Commission that on September 7, 1896, in the case entitled "Murrell W. Askew et al. vs Choctaw Nation," (1896 Choctaw Citizenship Docket, case number 2), original application was made to this Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for the admission to citizenship in the Choctaw Nation of (among others) the wife of the applicant herein, as Mrs. Martha Etta Turner, and her brother, John Askew; that on December 1, 1896, this Commission rendered its decision denying said application; that from this decision of the Commission an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on December 21, 1897, in the case entitled "Murrell Washington Askew et al. vs Choctaw Nation," (citizenship case No. 72) entered of record a judgment reversing the decision of this Commission, and admitting the said Martha Etta Turner, the wife of the applicant herein, and her brother, the said John Askew (among others), to citizenship in the Choctaw Nation.

It further appears from the records of the Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court created by the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Southern District of Indian Territory admitting the said Mrs. Martha Etta Turner, the wife of the applicant herein, and the said John Askew, to citizenship in the Choctaw Nation; said cause as to the wife of the applicant herein was not certified to said Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the provisions of said Act of Congress approved July 1, 1902 (32

Stats. 641), but as to the said John Askew, her brother, said cause was duly certified to said Choctaw and Chickasaw Citizenship Court for a trial de novo, and said court, on September 19, 1904, in case number one upon its Tishomingo Docket, entered of record a decree declaring that said John Askew is not a citizen of the Choctaw Nation.

It does not appear from the records of the Commission that either the applicant herein or his wife, the said Martha Etta Turner, have ever been enrolled by the tribal authorities of the Choctaw Nation or admitted to citizenship in said Nation by the legally constituted authorities thereof or by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory in accordance with the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), except as above set forth.

It is, therefore, the opinion of this Commission that Martha Etta Turner, (by reason of his marriage to whom the applicant claims) is not a citizen by blood of the Choctaw Nation, and that the applicant, Marshall A. Turner, is not entitled to be enrolled as a citizen by intermarriage of the Choctaw nation and that his application for such enrollment should be denied in accordance with the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED,

Tams Dixie

Chairman.

SIGNED,

I. B. Needles

Commissioner.

SIGNED,

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,

FEB 17 1905

(Copy)

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Land.
12606-1905.

WASHINGTON March 3, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I inclose a report from the Commission to the Five Civilized Tribes, dated February 17, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Choctaw Nation by Marshall A. Turner.

February 17, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant claims right to enrollment by reason of his marriage on September 6, 1899, to Martha Etta Askew an alleged citizen by blood of the Choctaw Nation. It further appears that on December 1, 1896, the Commission rendered a decision denying the application (among others) of Mrs. Martha Etta Turner for admission to citizenship in the Choctaw Nation; that on appeal the United States Court, Southern District, Indian Territory, on December 21, 1897, reversed the decision of the Commission and admitted the said Martha Etta Turner, the wife of the applicant, to citizenship in the Choctaw Nation. It further appears that on December 17, 1902, the Choctaw and Chickasaw Citizenship

Court "set aside, annulled, vacated and held for naught" the aforesaid judgment of said United States Court.

It does not appear from the record that the applicant, or his wife, has ever been enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by an United States tribunal, except as above set forth.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

It is noted that the Commission has forwarded a duplicate of the record which is also transmitted.

Very Respectfully,

C. F. Larrabee,
Acting Commissioner.

M.M.M.
W.

DEPARTMENT OF THE INTERIOR

WASHINGTON

G.R.

LLB

D.C. 17393-1905.
I.T.D. 4302-1905.

March 31, 1905.

IRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 17, 1905, you transmitted the record of the application of Marshall A. Turner for his enrollment as a citizen by intermarriage of the Choctaw Nation, including your decision dated February 17, 1905, adverse to the applicant.

March 7, 1905, the Acting Commissioner of Indian Affairs reporting in the matter recommended that your decision adverse to the applicant be affirmed. A copy of his letter is herewith inclosed.

The Department concurs in the recommendation made and your decision dated February 17, 1905, adverse to the applicant is hereby affirmed.

Respectfully,

H. A. Hitchcock,
Secretary.

1 inclosure.

Choctaw D-474

COPY

Muskogee, Indian Territory, April 11, 1905.

Marshall A. Turner,

Lebanon, Indian Territory,

Dear Sir:

You are hereby notified that on March 31, 1905, the Secretary of the Interior affirmed the decision of this Commission, rendered February 17, 1905, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Choctaw D-474

COPY.

Muskogee, Indian Territory, April 11, 1905.

C. L. Herbert,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

You are hereby notified that on March 31, 1905, the Secretary of the Interior affirmed the decision of this Commission, rendered February 17, 1905, denying the application for the enrollment of Marshall A. Turner as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Choctaw D-474

COPY.

Muskogee, Indian Territory, April 11, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on March 31, 1905, the Secretary of the Interior affirmed the decision of this Commission, rendered February 17, 1905, denying the application for the enrollment of Marshall A. Turner as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

I. B. Needles.

Commissioner in Charge.

Muscogee, Indian Territory,

August 18th, 1900.

Marshall A. Turner,

Lebenon, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-474.

Muskogee, Indian Territory, September 18, 1900.

Marshall A. Turner,

Lebanon, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised is to your right to enrollment under your second marriage.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

Choctaw 5208.
Choctaw D-474.
Chickasaw D-225.

Assistant, Indian Territory, July 1, 1902.

C. L. Turner,

Attorney at Law,

Arkmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 13, 1902, in which you ask the status of the following citizen by blood: John F. Turner, who was admitted by the Commission in 1898 as a Choctaw by blood, appeal taken by the Nation, and the Commission's decision affirmed. You ask the status of this claim and wish to know if our records show his admission in 1898 and the fact that the Court affirmed the decision of the Commission. Also, of J. F. Turner and Robert Short, both intermarried citizens.

In reply to your letter, you are informed that it appears from our records that J. F. Turner was admitted to citizenship in the Choctaw Nation as a citizen by blood, and that on appeal to the United States Court for the Federal District, Indian Territory, said court sustained the decision of the Commission. It further appears that an appeal was taken in this case to the Choctaw and Chickasaw Citizenship Court within the time provided by the act of Congress approved July 1, 1902.

You are further advised that it appears from our records that Marshall A. Turner is an applicant for enrollment as an inter-

2. C.L.H.

married citizen of the Choctaw Nation, claiming his right to such enrollment by reason of his marriage to Martha Rita Turner, who was admitted to citizenship in the Choctaw Nation by the United States Court for the Southern District, Indian Territory, in court case (citizenship docket) No. 72.

It appears further from our records that the case of Martha E. Turner is now pending before the Choctaw and Chickasaw Citizenship Court, Tishomingo docket, case No. 1.

You are also advised that the Commission has not yet passed upon the application of Robert P. Short for enrollment as an inter-married citizen of the Chickasaw Nation. As soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

MEMORANDA.

(Date) Sept 11 1899.

Name Martha L. L...

Choctaw? yes County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship U.S.

Intermarried citizen? yes

Married under what law? Choctaw

License filed this day, yes

Wife's name, _____

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? _____

Married under what law? _____

License filed this day _____

Names of children:

County	Year	Page	No.
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

As to marriage per Martha L. L...
 Wife Martha L. L...
 Case # 72. as Martha L. L...
 License issued she was not 2167
 although license dated Aug 19

P-191

8 475

Alexander Jones

Record Transferred to
Choctaw card #5660

CHOCTAW D 47

Benjamin B. Gunter

Record transferred to

CHOCTAW # 3524.

D. 477.

George W. Hewitt.

Record transferred to
Choctaw card # 458

D. 478

Bertha A. Mr. Coy.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. #6238.

Choc D479 William A. Worley

Dismissed Oct 25, 1904

D479

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as an intermarried citizen of the Choctaw Nation of-

WILLIAM A. WORLEY

7-D-479.

✓

Commission to the Five Civilized Tribes,

South McAlester, Ind. Ter.

In the enrollment of William A. Worley as an intermarried Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A William A. Worley.

Q How old are you? A Fifty-one.

Q You present here a marriage license issued by the county and Probate Judge of Pontotoc County, Chickasaw Nation, dated August 8th 1899, to marry Nancy Harriet Houston Worley, were you ever married to her before? A Yes sir.

Q When? A Last spring was a year ago.

Q Where? A In Oklahoma.

Q What time last spring a year ago? A I think it was 19th of last June a year ago; she wasn't admitted as a citizen at that time; her case was a court case, and I couldn't marry her according to Indian law.

Q Were you ever separated or divorced from her? A No sir.

Q This was a second marriage? A Yes sir.

Q When did she come from Oklahoma to the Choctaw or Chickasaw Nation? A Last winter; she just went up there from the Territory to stay with her brother.

Q When? A She went up there last winter was a year ago, just before Christmas.

Q When did she come back? A Last winter, just before Christmas.

Q You married her there and lived with her there until she came back? A Yes sir.

Q Did you all live there and keep house there? A Yes sir.

Q In Oklahoma? A Yes sir.

How long had she been living in the Territory before she went to Oklahoma? A About seventeen years.

Q Has she been enrolled by the Dawes Commission? A Yes sir.

William A. Worley #2)

- Q Where? A At Chickasha.
- Q What was her name before you married her? A Houston.
- Q Was she enrolled as Harriet Houston? A No sir, she was enrolled as Harriet Worley.
- Q Where did you live when you married her? A In Oklahoma; I have been living there five years.
- Q Where did you come from there? A The Territory.
- Q Did you get land up there? A No sir, my brother had a place up there.
- Q When did you first come to the Territory? A In 1871.
- Q I mean from Oklahoma, last winter? A Yes sir, I moved back last winter. I had a crop up there.
- Q You first came to the Territory in 1871, where from?
- A From Tennessee.
- Q How long did you stay here when you came then? A I made it my home all the time, only five years when I was up there.
- Q Did you make application for a homestead in Oklahoma?
- A No sir, I did not.
- Q What time last winter was it when you and your wife came down here? A I don't recollect, whether it was just a few days before Christmas or a few days after.
- Q You have been living here ever since? A Yes sir.
- Q Where? A 16 miles south-west of Purcell.
- Q Where did she register? A At Chickasha.
- Q She was then living in Oklahoma? A Yes sir, we hadn't moved down then; I had a ^{cotton} ~~xxx~~ crop there and hadn't got it picked out.
- Examined by Choc Att'y Shackelford:
- Q When were you married first to this woman? A On the 19th day of last June was a year ago.
- Q And you were both living in Oklahoma at that time? A Yessir,

William A. Worley #3)

she came up there to stay with her brother a while.

Q And you continued to live / up there until last winter?

A Yes sir.

Q You didn't live anywhere else? A No sir.

Q You own a place up there? A No sir.

Q You were keeping house? A Me and my brother was batching, he had a place.

Q You voted up there? A Yes sir.

Q Your wife has children, Lillie L. Rose, Mary Ann Rose and Jim Albert Houston? A Yes sir.

Q These children were all living with her in Oklahoma, as you have stated? A Yes sir.

Q Were they keeping house there when you married her?

A Yes sir.

Q These children were living with her? A Yes sir.

Q They were living there at the time they enrolled? A Yessir, we were living up there, but she had a place in the Territory.

Q Were you present when she was enrolled? A Yes sir, I was in the room; I wasn't where she was.

Q You heard what she swore? A No sir; we had a place in the Territory and had some things there, but we was up in Oklahoma gathering our crop, and hadn't moved down.

Q What is her brother's name? A Parlo Tidwell.

Q He was living in Oklahoma? A Yes sir.

Q Is he there yet? A No sir, he is in the Territory now somewhere.

Q Were any of these others in this judgment living in Oklahoma at the time? A I think they was staying at Shawnee.

Q Who was? A John A. Todwell was staying there; he rented a house there in Shawnee.

Q They was living in Oklahoma when he made this enrollment?

A I don't know whether he was there at that time or not.

William A. Worley #4)

Q How long did he live there? A Six or seven months.

Q Anybody else living there, of these people? A His family was all there with him.

Q How long had you been living in the Territory when you married her this last time? A Ever since last Christmas.

Q About seven and one-half months? A Yes sir, I think it was.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to the named Commission, that this
transcript is a true and correct translation of
my stenographic notes.

M. D. Green

1899

My dear Mr. Turner
I have the honor to acknowledge
the receipt of your letter of the 1st inst.
and in reply to inform you that the same
has been forwarded to the proper authorities
for their consideration.

Yours faithfully
J. C. C. N.

Recorded on Page 228. in
Book 3. on this the 25 day
of Aug- 1899.
Edward Turner.
Clerk of J. C. C. N.

Accommodations First-Class.

Rates Reasonable

COTTAGE HOTEL

T. B. HATCHER, Proprietor.

A SHARE OF THE PUBLIC PATRONAGE RESPECTFULLY SOLICITED.

Stonewall, Ind. Ter.,

189

County of Pontotoc

The Indian Territory

By Authority in me vested by
Low J Simon Wolf County and
Probate Judge of Pontotoc County
Cherokee Nation do this day Issue
Marriage License to William A.
Worley a U.S. Citizen to Mary
Nancy Horriett Houston worley
a Cherokee Citizen by Blood
Aug 8th 1899

Simon Wolf

County & Probate Judge
Pontotoc Co. Ok.

Witness my hand and seal of
office at the Court House in
Stonewall, Ind. Ter. this 8th day of
August 1899.

Wm. H. Hatcher

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Choctaw D-476.

Muskogee, Indian Territory, March 4, 1902.

William A. Worley,

Purcell, Indian Territory

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 12, 1902.

.....
:: In the matter of the application ::
:: of William A. Worley for enrollment ::
:: as a citizen by intermarriage of ::
:: the Choctaw Nation. ::
.....

D-479.

On the 4th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of William A. Worley for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 12th day of April, 1902, for final consideration.

Now on this 12th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant being called, failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 12, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 12 day of April, 1902.

Charles H. Wood
Notary Public.

7-D-479.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as
a citizen by intermarriage of the Choctaw Nation of William A.
Worley.

-----O-----

The applicant, William A. Worley, claims the right
to enrollment as a citizen by intermarriage of the Choctaw
Nation by virtue of his marriage to Nancy Harriet Worley. The
right of the applicant's wife, Nancy Harriet Worley, to citi-
zenship in the Choctaw Nation having been adversely determined
by a decree of the Choctaw and Chickasaw Citizenship Court,
June 29, 1904, in case number 56 on the Tishomingo docket of
said court, it is hereby ordered that the application of
William A. Worley for enrollment as a citizen by intermarriage
of the Choctaw Nation, be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.

Muskogee, Indian Territory,
OCT 25 1904

7-D-479

COPY:

Muskogee, Indian Territory, October 25, 1904.

William A. Worley,

Purcell, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated October 25, 1904, dismissing your application for enrollment as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

SIGNED

Tama Birney

Chairman.

Registered.

Incl. 7-D-479.

COPY.

7-D-479)

Muskogee, Indian Territory, October 25, 1904.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated October 25, 1904, dismissing the application for the enrollment of William A. Worley as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

John D. ...
Chairman.

Incl. 7-D-479.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Mustogee, Indian Territory,

August, 18th 1900.

William A. Worley,

Pawnee, Indian Territory,

Dear Sir,-

You are hereby notified that the Choctaw Nation through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December, 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in support of this application, and this hearing will be final.

Yours truly,

James B. Birby

Acting Chairman.

7-D-479.

MEMORANDA.

(Date) 1900

51 ^{nc} Name William A. Mearns

Choctaw? Y County Y Year Y No. Y

Chickasaw? County Y Year Y Page Y

Citizen by blood? Mother's citizenship Y

Intermarried citizen? Y

Married under what law? Chick

License filed this day, yes

Wife's name, Y

Choctaw? County Y Year Y No. Y

Chickasaw? County Y Year Y Page Y

Citizen by blood? Mother's citizenship Y

Intermarried citizen? Y

Married under what law? Y

License filed this day Y

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

As to the remaining 9 see license
see his testimony

Wife admitted by St. Ordmore.
Meh 12 - 98 - Case #12 - Married
first in Oklahoma in Territory 1 1/2 mos
when in a good boat time

A-479.

CHOCTAW

Δ

Pellet Lemasters

Transferred to Choctaw

#5893

JAN 3 1905

CHOCTAW D 481

(John D. Paliaterra.

Record transferred to
CHOCTAW # 5863.

CHOCTAW D 482

Robert G. Brady -

Record transferred to
Choctaw card #45-

D. 483

Henry Sutherland

Record transferred to
Choctaw card #3665

D. 484

Robert A. Travis.

Record transferred to
Choctaw card #3666

CHOCTAW D. 485

Albert Smith

GRANTED.

Transferred to Choctaw-card No. 5973.

January 13, 1906.

CHOCTAW 486

Lola Seybold.

GRANTED.
and transferred to CHOCTAW
card No. 439, OCT 18 1905

D 487

John Evans.

Record transferred to

CHOUTAW.

5811

Choc D488 Lee C. Hargel

D488

Commission to the Five Civilized Tribes,
South McAlester, Ind. Ter.

In the enrollment of Lee C. Hiegel as an intermarried Choctaw;
being sworn and examined by Com'r McKennon he testifies:

- Q What is your name? A Lee C. Hiegel.
- Q How old are you? A Thirty-five.
- Q You present here a license issued by the County and Probate
Judge of Pontotoc County, Chickasaw Nation, dated August 8th 1899
to marry Annie B. Hiegel, were you married to her before? A Yes sir.
- Q When? A Nine years ago.
- Q Where? A At Quanah, Texas.
- Q Under the Texas laws? A Yes sir.
- Q Were you separated or divorced from her? A No sir.
- Q This is a second marriage? A Yes sir.
- Q Is she a Choctaw or a Chickasaw? A A Choctaw.
- Q Was she admitted by the United States Court? A Yes sir.
- Q Where? A At Ardmore.
- Q Do you know when? A I couldn't remember exactly the date.
- Q Was she admitted under the name of Hiegel? A Yes sir.
- Q You were before the Commission at Ardmore and enrolled, was
she enrolled as Annie B. Hiegel? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

7-112

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUL 7 1900



ACTING CHAIR

County of Pontotoc
 Cheekaw Notion
 Indian Territory.

By authority in me vested
 by law I Simon Wolf County and
 Probate Judge of Pontotoc County
 Cheekaw Notion Indian Territory
 do this day Issue License to
 L. C. Hiegel a U.S. Citizen to marry
 Annie B. Hiegel nee Bolt, a
 Cheekaw Citizen by blood residing
 in the Cheekaw Notion
 This Aug 8th 1899.

Simon Wolf
 County & Probate Judge of
 Pontotoc Co. Cheekaw Notion
 Ind Ter

United States of America :
 The Indian Territory : set.
 Southern Judicial District :

I hereby certify that on this 20th. day of August,
 1899, I united in marriage L. C. Hiegel and Annie B. Hiegel, nee Bolt,
 the parties above named.

Witness my hand this 20th, day of August, 1899.

W. M. Campbell Clerk.

by J. I. Fleming Deputy.

Filed for Record 10 day of Sept 1899
 Recorded 10 day of Sept 1899
 J. R. [Signature]

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 12, 1902.

.....
:: In the matter of the application ::
:: of Lee C. Heigel for enrollment as ::
:: a citizen by intermarriage of the ::
:: Choctaw Nation. ::
.....

D-488.

On the 4th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Lee C. Heigel for enrollment as a citizen by intermarriage of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 12th day of April, 1902, for final consideration.

Now on this 12th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant appears by his attorney, H. H. Brown, of Ardmore, Indian Territory, and asks that reference be made to Choctaw Roll Card, Field Number 5120, where the name of the wife of the applicant and their children appear as listed for enrollment, and also refers to the record and evidence on file in her case, No. 5120, where the marriage license between this applicant and his wife, Annie Heigel, is on file, and asks that they be considered as evidence in this case. The applicant now submits his cause upon the record and evidence as now on file with the Commission. This case will be considered by the Commission upon the record as now made up.

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 12, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 12 day of April, 1902.

Hal Belford
Charles Mitchell Wood

Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS S. NEEDLES.
C. R. BRACKINRIDGE.

ALLISON L. AVLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN REPLY TO THE FOLLOWING

Choctaw D-488.

Muskogee, Indian Territory, March 4, 1902.

Lee C. Heigel,

Glenn, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

register.

Commissioner in Charge.

Muscogee, Indian Territory,

August 18th, 1900.

Lee C. Heigel,

Glenn, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-488.

MEMORANDA.

(Date)

Aug 13 1880.

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? **Mother's citizenship**

Intermarried citizen? yes

Married under what law? Chick

License filed this day, 4/5

Wife's name, JOHN

Choctaw? County Year No.

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? **Mother's citizenship**.....

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County Year Page No.

County Year Page No.

County	Year	Page	No.
--------	------	------	-----

[illegible]

County _____ Year _____ Page _____ No. _____

County	Year	Page	No.

	County	Year	Page	No.
--	---------------	-------------	-------------	------------

[illegible]

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____
 7 fishes. ... 1911 ...

P. A. Allen & Co

On the marriage of the ~~first~~ ^{second} ~~son~~ ^{daughter}

5488

CHUTAW.

8.48

Annie L. Agent, etc.

Record transferred to
Choctaw card #5613

D. 490

Isaac Fargo, et al.

Record transferred to
Choctaw card #5766

Choc D491 Elsie Wallen

D491

Elsie Wallen

CANCELLED

Applicant died prior to
ratification of the
Choclaw - Chickasaw agreement
Sept 25, 1902 the date of the
Oct 5, 1903

7-2-491

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T July 19, 1901.

In the matter of the application for enrollment as a citizen
by intermarriage of the Choctaw Nation of Elsie Walker.

Proof of death of applicant.

William T. Walker, husband of applicant being first duly sworn
testifies as follows:

Examination by the Commission.

- Q What is your name? A William T. Walker.
Q How old are you? A 24 years old.
Q What is your post office address? A Canadian, I. T.
Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Elsie Walker.
Q Is she living? A No sir
Q When did she die? A October 23, 1900.
Q Where is she buried? A Canadian.
Q You have not married since she died have you? A No sir.

Clara Mitchell Wood being first duly sworn states that as
stenographer for the Commission to the Five Civilized Tribes she
reported in full all proceedings had in the above entitled cause
on the 19th day of July 1901 and that the above and foregoing is a
full, true and correct transcript of her stenographic notes taken
in said cause on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this the 19th day of July
1901.

John E. Fisher
Notary Public.

CHOCTAW 7 492

Lizzie Jennings et al.

nos. 1-4-5 transferred to
CHICKASAW. # 1786.

nos 2-3 transferred to
CHOCTAW # 4768.

D 486

James C. Jennings

GRANTED.

*and transferred
to Choctaw 5931*

MAY 15 1905

D. 494

Annie Smith, et al.

Record transferred to
Choctaw card #5745

D. 495

John M. Neal.

Record transferred to
Choctaw card #5353

CHURCH TAW.

D 496

James A. Jones.

Record transferred to
Chloro card #4786.

D. 497

Addie Land.

Record transferred to
Choctaw card #5661

D. 498

Mary M. Mc Duff. et al

Record transferred to
Choctaw card # 5662

CHOCTAW D 499

Wirt Randolph

Record transferred to
CHOCTAW # 102.

CHOUTAW

D 500

Alice Pitts

Record transferred to

CHOUTAW.

5837

Choc D501 William N. Barker

D501

D.

501

William H. Parker

See Choctaw #4403

CANCELLED

Applicant died prior to the ratification of the
Choctaw- Chickasaw Agreement September 25, 1902.

11591

CERTIFICATE OF RECORD OF MARRIAGE.

I, J. M. Sherrard
Clerk of Cedar County, C. N.,

aforesaid, do hereby certify that the license for
and certificate of the Marriage of

Mr. William N. Barker

AND

Miss Alora Mc Gahery
were filed in my office in Cedar Co., on the
16 day of Sept A. D., 1891 and
duly recorded on Record Page 372

Witness my hand and seal of said county,
this 16 day of Sept A. D., 1891

J. M. Sherrard
County Clerk,
Cedar County, C. N.

II-501

Christina

Sworn to and subscribed before me
this 12th day of Sept 1849.

J. M. Sherrard
Co. Clerk

71501
**CERTIFICATE OF RECORD OF
MARRIAGE.**

I, J. M. Sherrard
Clerk of Cedar County, C. N.,
aforesaid, do hereby certify that the license for
and certificate of the Marriage of

Mr. William N. Barker

AND

Miss Dora Mc Gabrey
were filed in my office in Cedar Co. on the
16 day of Sept A. D. 1849 and
duly recorded on Record Page 372

Witness my hand and seal of said county,
this 16 day of Sept A. D. 1849

J. M. Sherrard
County Clerk,
Cedar County, C. N.

Marriage License.

Choctaw Nation, }
Cedar County. }

To any Person Authorized by Law to Solemnize
Marriage,--Greeting:

YOU ARE HEREBY COMMANDED to solemnize and publish the Bans of Matrimony
between Mr William N. Bayler of Atalla, Ala.
a citizen of the United States, aged 30 years, and Miss Dora Malsbey
Coal Field, Ala. a citizen of the Choctaw Nation, aged 27

years, according to law; and do you officially sign and return this License to the parties herein named

Witness my hand and official seal, this 12 day of Sept. 1899

J. M. Sherrard
County Clerk,
Cedar County, C N.

Certificate of Marriage.

Choctaw Nation, }
Atalla County. }

I, J. M. Sherrard do hereby certify that on
the 13 day of Sept. A. D. 1899 I did, duly and according to law, as
commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the
parties therein named.

Witness my hand this 15 day of Sept. A. D. 1899

J. M. Sherrard
County Clerk, Atalla, Ala.
Cedar County, Choctaw Nation.

My credentials are Recorded in the office of the Clerk of

Department of the Interior:
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 12, 1902.

.....
:: In the matter of the application ::
:: of William N. Barker for enrollment ::
:: as a citizen by intermarriage of the ::
:: Choctaw Nation. ::
.....

D-501.

On the 4th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of William N. Barker for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory on the 12th day of April, 1902, for final consideration.

Now on this 12th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant appears by his attorney, J. G. Ralls, and submits this cause upon the evidence and record as now made up. This case will now be considered by the Commission upon the record as now on file.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 12, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 12 day of April, 1902.

Hal Belford
Notary Public
Notary Public.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS S. NEEDLES.
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

Choctaw D-501.

Muskogee, Indian Territory, March 4, 1902.

William N. Barker,

Marlow, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

Commissioner in Charge.

9-251

INDEXED

32

IN RE
THE DEATH OF

Nelson T. Barker
a citizen of the

Chocoma Nation.

Approved **NOV 26 1902** 190
C. H. Dickinson
Commissioner.

FILED
NOV 26 1902

J. P.

ATTY GEN CHA

CHOC. AW. D501.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of William H. Barren
(Here insert name of deceased)

a citizen of the Choctaw Nation, who formerly resided at or near
Acosta, Ind. Ter., and died on the 14 day of
September, 1912.
(Here insert name of post office)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Mattie Allen, on oath state that I am 50
years of age and a citizen, by marriage, of the Choctaw Nation;
that my post office address is Cliff, Ind. Ter.; that I am
mother in law of William H. Barren,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased)

who was a citizen, by marriage, of the Choctaw Nation;
and that said William H. Barren died on the 14 day of
Sept., 1912.
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Benjamin Moss
Wm C. Brune

Subscribed and sworn to before me this 21 day of Nov., 1902.

R. H. Linebaugh
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, N. Wade, on oath state that I am 37
years of age, and a citizen, by blood, of the us Nation;
that my post office address is Madison, Ind. Ter.;
(Here insert name of post office)
that I was personally acquainted with William H. Barren,
(Here insert name of deceased)
who was a citizen, by marriage, of the Choctaw Nation;
and that said William H. Barren died on the 14 day of
(Here insert name of deceased)

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 21 day of

Nov., 1902.
R. H. Linebaugh
Notary Public.

Muskogee, Indian Territory, August 26, 1901.

Mr. William N. Barker,
Marlow, Ind, Ter.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant requesting to be advised relative to what action has been taken by the Commission upon your application for enrollment as an inter-married citizen of the Choctaw Nation.

You are informed that the records of this office show that on September 18, 1899, you made application for enrollment as an inter-married citizen of the Choctaw Nation and your name was duly listed upon Choctaw roll card Field number D-501. No decision has yet been rendered with reference to your application, nor can this office inform you at this time when the matter of doubtful claimants will be passed upon by the Commission. Whenever a decision has been reached in your case, a copy of the same, stating fully the reasons for any action which may be taken in the matter, will be mailed to your postoffice address.

Yours truly,

7-2501

Commissioner in Charge.

Muskogee, Indian Territory, March 11, 1902.

William M. Barker,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, replying to our communication of March 4, 1902, notifying you that your application for enrollment as a citizen by intermarriage of the Choctaw Nation would be taken up for final consideration by the Commission at Muskogee, Indian Territory, on April 12, 1902.

You state in your letter that it will be impossible for you to appear before the Commission on that date and desire to be informed what objection if any is being urged to your final enrollment as a citizen by intermarriage of the Choctaw Nation.

Replying to your letter you are advised that it appears from our records that on September 13, 1899, you were duly and lawfully married in accordance with the laws of the Choctaw Nation to Dora E. McGahey, a citizen by blood of the Choctaw Nation and if you have not since that time forfeitted your rights to such citizenship by a separation or divorce from your Choctaw wife or by marriage to a white person after her death, it is not believed that

WM 22

your right to enrollment as a citizen of the Choctaw Nation will be contested by the legal representatives of the Choctaw Nation.

The notice of March 4, 1902, was merely to inform you that on April 12, 1902, your case would be taken up for final consideration and that the Commission would at that time hear such additional testimony as you might desire to offer and if it is the intention of the Choctaw Nation at that time to introduce any testimony affecting your right to enrollment as a citizen by inter-marriage of the Choctaw Nation, the representatives of the Nation will be required to so notify you before the Commission will hear such testimony as they may present.

Yours truly,

Commissioner in Charge.

Chester B 301

Washburn, Indian Territory, March 27, 1902.

William H. Barker,

Addington, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant, in which you state that your postoffice address is now Addington, Indian Territory, instead of Marlow, Indian Territory.

The information contained in your letter has been made a matter of record.

Yours truly,

Commissioner in Charge.

Choctaw D 501

Muskogee, Indian Territory, April 1, 1902.

William N. Barker,

Addington, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 29, 1902, in which you state that you and your Indian wife have never been separated and that you will, if desired, file an affidavit to that effect and requesting that you be furnished with a blank application for the enrollment of an infant child.

As stated in our communication of March 4, 1902, the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation, will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on April 12, 1902, at which time you may appear in person or by attorney and an opportunity will be given for the introduction of any additional testimony you may think necessary or proper.

In accordance with your request, there is enclosed you herewith a blank application for the enrollment of an infant child. In having the same executed be careful to see that all blanks are properly filled, all names written in full and in event either of the persons whose names are to be affixed to the affidavit are unable to write and their signatures are by mark, that such signa-

VHB 2

tures be attested by two disinterested parties as witnesses
thereto. The notary public before whom the acknowledgments of
the mother and attending physician or nurse are made, must affix
his notarial jurat and seal to each separate affidavit.

Yours truly,

Commissioner in Charge.

Choctaw D 501

Muskogee, Indian Territory, April 25, 1902.

Wm. H. Barker,

Addington, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, referring to our communication of March 4, 1902, wherein you were advised that the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation would be taken up for final consideration at the office of the Commission at Muskogee, Indian Territory on April 12, 1902.

You now desire to be advised as to what action was taken by the Commission on the latter date relative to your enrollment.

Replying to your inquiry you are advised that at the office of the Commission at Muskogee, Indian Territory, on April 12, 1902, the matter of the application of William H. Barker for enrollment as a citizen by intermarriage of the Choctaw Nation, was called for final consideration by the Commission. No appearance was made on behalf of the Choctaw Nation by its legal representatives but J. G. Ralls, of Atoka, Indian Territory, appeared as attorney for William H. Barker and submitted the case upon the evidence and record as then made up.

0
V H B 2

The Commission has not up to this time rendered any decision relative to your final rights to enrollment but anticipates doing so as early as practicable. When a decision is reached, in the event that the same is unfavorable to you, you will be duly notified thereof and of the forwarding of the record in the case to the Secretary of the Interior for his review.

Yours truly,

Commissioner in Charge.

Choctaw 4403
Choctaw D301

Muskogee, Indian Territory, October 14, 1902.

I. M. Barker,

Addington, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 10, stating that your son, W. M. Barker, died September 14, and you are looking after her business for his wife, and you ask how much of certain sections named in your letter will be one allotment, and how soon this country will be allotted.

In reply to your letter you are advised that the Commission cannot at present give the information requested in your letter. Matters of this character will be considered by the Commission upon the establishment of an allotment office in the Choctaw-Chickasaw country for the purpose of allowing the citizens of these two nations to make selection of and file upon their prospective allotments. It is impossible at this time to say when an allotment office will be opened in the Choctaw-Chickasaw country, but due public notice will be given of its establishment through the public press.

For the purpose of making the death of your son a matter of record there is inclosed herewith a blank for proof of birth, which please have filled out and return to this office. In having

I.M.B. 2

the same executed be careful to see that all blanks are filled out, all names written in full, and that the Notary Public before whom the affidavits are acknowledged affixes his name and seal to each affidavit. Signatures by mark must be attested by two disinterested witnesses who can write.

There is inclosed herewith an envelope for reply which requires no postage, and your prompt attention to this matter is requested.

Respectfully,

Commissioner in Charge.

Env.

Muskogee, Indian Territory, November 8, 1902.

J.M. Barker,

Addington, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st inst., enclosing your affidavits relative to the death of your son, William N. Barker, a citizen by intermarriage of the Choctaw Nation, which occurred September 14, 1902; and the same are returned to you herewith, for the reason that you have signed the affidavit of relative, and the affidavit of acquaintance also.

A new blank for the purpose of making proof of death of William N. Barker is enclosed you herewith, and you are requested to have some person other than yourself subscribe to the affidavit of acquaintance. When the affidavits have been properly executed, they may be returned in the enclosed envelope.

Receipt is also acknowledged of a certified copy of the marriage license and certificate between William N. Barker and Dora McGahey; and the same are returned to you herewith, for the reason that the original marriage license and certificate between these parties are on record in the matter of the application for

J M B 2

enrollment as an intermarried citizen of the Choctaw Nation of
William N. Barker.

Respectfully,

Acting Chairman.

Env.

Enc. B.I. 200.

MEMORANDA.

(Date) Sept 12 1899.

30 Name W. C. ...

Choctaw? Yes County ... Year ... No. ...

Chickasaw? ... County ... Year ... Page ...

Citizen by blood? ... Mother's citizenship ...

Intermarried citizen? ...

Married under what law? ...

License filed this day, ...

Wife's name, Dora E. ...

Choctaw? Yes County ... Year ... No. ...

Chickasaw? ... County ... Year ... Page ...

Citizen by blood? Yes Mother's citizenship ...

Intermarried citizen? ...

Married under what law? ...

License filed this day ...

Names of children:

County	Year	Page	No.
...
...
...
...
...
...
...
...
...
...

License from Clerk to ... Indian Nation
 dated Sept. 12. 99 - Marriage certificate Apt.
 13 - 99 - See record of wife,
 Dora E. McGahey.

Marriage license supplied

R 501

Choc D502 meluina Kingsbury

D502

502
Melvina Kingsbury

CANCELLED

Applicant died prior to the ratification of the
Charter Extension Agreement September 25, 1902.

* Marriage certificate returned
to Cyrus H Kingsbury.

he having reported on June
7. 1900 that his wife Melvina
was dead

9

(Date) 1899.

Name _____

Choctaw?	County	Year	No.
-----------------	---------------	-------------	------------

Chickasaw?	...	County	Year	Page
-------------------	-----	---------------	-------	-------------	-------	-------------	-------

Citizen by blood? **Mother's citizenship**

Intermarried citizen?

Married under what law?

License filed this day, _____

Wife's name, Melvin Kinschman

Choctaw? 5-1-3 .. County .. Year .. No. 1

Chickasaw? **County** **Year** **Page**

Citizen by blood?..... Mother's citizenship.....

Intermarried citizen?

Married under what law?

License filed this day 7/1/08

Names of children :

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County Year Page No.

County _____ Year _____ Page _____ No. _____

County Year Page No.

Page	County	Year	Page	No.
1	Alameda	1900	1	1
2	Alameda	1900	2	2
3	Alameda	1900	3	3
4	Alameda	1900	4	4
5	Alameda	1900	5	5
6	Alameda	1900	6	6
7	Alameda	1900	7	7
8	Alameda	1900	8	8
9	Alameda	1900	9	9
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78	Alameda	1900	78	78
79	Alameda	1900	79	79
80	Alameda	1900	80	80
81	Alameda	1900	81	81
82	Alameda	1900	82	82
83	Alameda	1900	83	83

County _____ Year _____ Page _____ No. _____

County Year Page No.

County _____ Year _____ Page _____ No. _____

County Year Page No.

✓ Sept 10 - A white male, aged 10-12, found at
Cyrus St. John's house, and taken to King's
bury, a white female, accepted by
Chas. Townsend in 1844, and his wife, Hannah
M., a white woman.

1502

Choctaw A 503
Five R City E. 1. 1. 1.

Transferred to 7 6084
Feb. 28. 1907

D. 504

Emery C. Hewitt.

Record transferred to
Choctaw card #5705

CHOCTAW.

D.

1555

Sarah E. Wilson

Record transferred to
Choctaw card # 5793.

CHOC

D 506

John R. Herron

Record transferred to

CHOC LA W.

5826.

Choc D507 Joseph R. Russell

D507

Joseph D. Russell

See Choctaw card # 4367

REFUSED, FEB 27 1907

**RECORD FORWARDED DEPARTMENT,
FEB 27 1907**

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.**

APR 1907

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.**

APR 1907

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the enrollment of Joseph R. Russell as an intermarried Choctaw; Leona Russell being sworn and examined by Com'r McVennon testifies as follows:

- Q What is your name? A Leona Russell.
- Q How old are you? A Twenty-one.
- Q Your husband is a white man? A Yes sir.
- Q When were you married to him? A Four years ago, the 13th of October.
- Q You have two children by him? A Yes sir.
- Q Are you living with him now? A No sir.
- Q Why? A We didn't get along, and he went off and left me.
- Q When? A ^{June} last January, 20th, 1896.
- Q Has he lived with you since that time? A No sir.
- Q Do you know where he is? A He is up about Enterprise I think.
- Q Is he divorced from you, or you from him? A No sir, I haven't received my divorce yet; I sued for it.
- Q Has he contributed anything to the support of yourself and children since you left him? A No sir, not a thing.
- Q By Choctaw Com'r Lewis: Did you take out a license when you married? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

W. A. Green

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the enrollment of Joseph R. Russell, as an intermarried
Choctaw; Mrs. Russell being re-called states:

Questioned by Com'r McKennon:

Q And your husband would beat you? A Yes sir.

Q What with? A With his hand and with a rope.

Q Did he whip you severely? A Yes sir, he didn't leave
any stripes with a rope, but he left the prints of his hand.

Questioned by Choctaw Com'r Lewis:

Q Did he spend all of your property before he left you?

A Yes sir, I didn't have anything when I left, I sold what
things I had to get away, - my household furniture--

Q Had he sold all of your cattle? A Yes sir, - when I left
I had one cow, and he sold her when I left.

Department of the Interior

Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as
stenographer to above named Commission that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

Commission to the Five Civilized Tribes,
South McAlester, I. d. Ter.

In the enrollment of Joseph T. Russell as an intermarried
Cherokee; being sworn and examined by Commissioner he states:

Q What is your name? A Joseph T. Russell.

Q How old are you? A Twenty-four.

Q You claim to be an intermarried Cherokee? A Yes sir.

Q When were you married to a Cherokee citizen? A October 13th
1897.

Q What was her name? A Leona Kelly.

Q How long did you live with her? A I lived up until July
1898.

Q Separated from her then; what was the cause of the separation?

A I couldn't tell; I wasn't at home at the time she left.

Q Never had had any troubles? A Not any of any importance.

Q What kind of trouble was there between you? A I ~~was~~ didn't
think she had acted in the way a wife should.

Q How? A She was confiding in other people; the most trou-
ble was concerning her mail matters in the post-office; she
would write letters unbeknowing to me, and send them by other
people; she has no cause to do that.

Q What kind of letters do you have reference to? A Letters
that would be very unnecessary to be written, concerning me,
scandalizing me and talking to my back.

Q Have you got any of those letters? A Yes sir, I have one.

Q Where is it? A (Witness produces letter and files it as
a part of the proof in the case.)

Q Was that the kind of trouble you had with her? A That was
the only trouble; I don't know what made her do that. I have
a letter from her giving her reason for leaving; I wasn't at
home at the time she left. That was written by her to me.

Joseph R. Russell, 42)

Q Where were you then? A I was in Kansas.

Q That after you separated? A No, we hadn't separated that I know of; I went off to work in the wheat crop in Kansas.

(Applicant files this letter also.)

Examined by Chas Com'r Lewis:

Q Didn't a good deal of this trouble originate- didn't Tom Bell her step-father, lend you a farm until you could get a start, and didn't you refuse to give it up to him? A No sir.

Q Didn't you have some trouble with her mother and step-father and she took up for them, wasn't that the cause of the separation? A No. She had some trouble with her step-father; I didn't have no trouble with them.

Q Didn't you sell off all her cattle? A No sir.

Q Didn't you sell one she had? A I sold one she claimed, but it was mine.

Q Didn't you sell all she had? A I did not; she sold all of her own stock and disposed of the money.

Q Didn't you sell her cattle? A She did it herself; it was at the time I was working on the railroad and she went to live with her aunt in the Chickasaw Nation, and she disposed of most of her stock while she was up there, and spent the money.

Q Didn't you abuse her? A No sir.

Q You didn't whip her with a rope? A No sir.

Q Nor slap her with your hand? A No sir, nor try to cut her throat with a case knife.

Q Com'r Needles: Have you married again? A No sir.

Department of the Interior,
Commissioner to the Five Civilized Tribes.
I hereby certify that my official duties
as stenographer to the Commission that this
translation is a true, full and correct translation of
my stenographic notes.

M. D. Lewis

(COPY)

Grant, I.T.----- 189.

HE CHOCTAW NATION.

In Circuit Court of the Third Judicial District Regular ^{Feby.} ~~August~~
1900 Term, ~~1899~~ a petition of Leona Russell being presented by her atty. in
said Court, for a BILL OF DIVORCE and after the Court, ~~hearing~~ the facts
set, and after the Court hearing the Testimony in regard to the petition
do order and decree that a Bill of Divorce be issued to the applicant,

Mrs Leona Russell.
.....

..... (Mrs)
THEREFORE, I do issue a Bill of Divorce to said applicant Leona
Russell forever releasing her from the bonds of Matrimony heretofore
existing between Leona Russell and J.R. Russell.
.....

Given under my hand and seal of office, this the ⁷ 25th
Feb. 1900.
day of August, A.D. ~~1899~~

..Will Everidge.....

District Clerk.

Muskogee, Indian Territory,

August 18th, 1900.

Joseph R. Russell,

Enterprise, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-507.

(Copy)

COMMISSIONERS
HENRY L. DAWBS.
TAMS SIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

AHLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw D-507

Muskogee, Indian Territory, March 4, 1902.

Joseph R. Russell,

Enterprise, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 12, 1902.

.....
::
:: In the matter of the application ::
:: of Joseph R. Russell for enrollment ::
:: as a citizen by intermarriage of :: D-507.
:: the Choctaw Nation. ::
::
::
.....

On the 4th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Joseph R. Russell for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 12th day of April, 1902, for final consideration.

Now on this 12th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant being called, failed to appear either in person or by attorney.

-----;-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 12, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 14th day of April, 1902.

Hal Belford
Clara Mitchell Wood

Notary Public.

Muskogee, Indian Territory, November 8, 1900.

McKennon, Mansfield, McMurray & Cornish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 6th instant, in which you desire to be advised of the number of the card upon which J. R. Russell is listed for enrollment as a citizen by intermarriage of the Choctaw or Chickasaw Nation. Also as to his post-office address, the name of the wife through whom he claims citizenship by intermarriage and if it appears from the records of the Commission that he has complied with the intermarriage law of the Choctaw Nation.

You are informed that the records of the Commission show that on September 7th, 1896, Joseph R. Russell filed with this Commission an original application for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896. The application was made by Joseph R. Russell on his own behalf as an intermarried citizen of the Choctaw Nation and on behalf of his minor son, James F. Russell as a citizen by blood of the said Nation, claiming such right to intermarried citizenship by reason of his marriage to Leona Kelly, a citizen by blood of the Choctaw Nation, to whom he was married in the year 1895.

The Commission on December 5th, 1896, admitted Joseph R. Russell as a citizen by intermarriage and his minor child, James F. Russell as a citizen by blood of the Choctaw Nation. There is no record of any appeal having been taken by the Choctaw Nation in the time prescribed by law.

On September 1st, 1899, the Commission listed for enrollment as citizens by blood of the Choctaw Nation, Leona Russell and her two minor children, James F. and Edward B. Russell, the first two having been identified from the 1896 Census Roll of the Choctaw Nation as residents of Tobucksey County. James R. Russell was listed as a doubtful claimant to citizenship in the Choctaw Nation on September 15th, 1899, his name also appearing upon the 1896 Census Roll as a citizen by intermarriage and a resident of Tobucksey County.

There is on file with the Commission the testimony of Leona Russell and of Joseph R. Russell in the matter of the latter's enrollment as an intermarried citizen of the Choctaw Nation and from such testimony it appears that he and his wife are not now living together though the testimony is not sufficiently clear as to the separation. It does not appear however, that there has been any divorce procedure.

The post-office address of Mr. Russell given in September, 1899, is Enterprise, Indian Territory, but the Commissioner's notice of August 18th, 1900, notifying him of the protest filed with the Commission as to his enrollment was returned to the Commission on October 17th from that post-office as unclaimed.

There is not on file either with the original application for citizenship in 1896 or with the testimony and exhibits in his application for enrollment as an intermarried citizen any original or certified copy of a marriage license under the Choctaw laws. There is however, attached to the original application offered in 1896, the affidavit of B. F. Mosker and C. L. Stealy as to his marriage to Leona Kelly in accordance with the laws of the Choctaw Nation.

Mr. Russell appears upon the records of this Commission on Choctaw roll card, field No. D 507.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, February 26, 1903.

Joseph R. Russell,

Limestone, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903.

The Act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1903.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10, to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joseph R. Russell as a citizen by intermarriage of the Choctaw Nation.

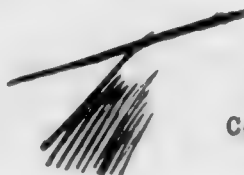
D E C I S I O N.

It appears from the census card record in this case that on September 15, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Joseph R. Russell as a citizen by intermarriage of the Choctaw Nation.

It appears from the records of the Commission to the Five Civilized Tribes that on September 7, 1896, in the case entitled "Joseph R. Russell, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 1112), original application was made to said Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for the admission to citizenship in the Choctaw Nation of the applicant, Joseph R. Russell, as a citizen by intermarriage thereof; and that on December 5, 1896, said Commission rendered its decision therein admitting said Joseph R. Russell as a citizen by intermarriage of the Choctaw Nation, from which decision no appeal was taken.

Although ample opportunity has been afforded said applicant to show by satisfactory evidence that he is entitled to be enrolled as a citizen by intermarriage of the Choctaw Nation, he has failed to do so.

I am, therefore, of the opinion that following the ruling of the Department of January 14, 1907 (I.T.D. 60-1907), in the case of Thad Smith, the application for the enrollment of Joseph R. Russell as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

FEB 27 1907

7-D-507

COPY

Muskogee, Indian Territory, February 27, 1907.

Joseph R. Russell,

Enterprise, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application for your enrollment as a citizen by inter-marriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamc Bixby*

Commissioner.

Registered.
Incl. 7-D-507.

7-D-507

COPY

Muskogee, Indian Territory, February 27, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 27, 1907, denying the application for the enrollment of Joseph R. Russell as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Incl. 7-D-507.

COPY.

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Joseph R. Russell as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, denying said application.

Respectfully,

SIGNED

Jame Bixby

2 Incl.

Through the
Commissioner of Indian Affairs.

D.C. 11379.
I.F.D. 7914-1907.
L.R.S.
DIRECT.

N.F.J.
RJH

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 4, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following citizenship cases, adverse to the applicants, are hereby affirmed. A copy of Indian Office letter of March 2, 1907 (Lands 21756, etc.), submitting your reports, and recommending that your decisions be affirmed, is enclosed.

Title of Case.

Date of your
letter of transmittal.

Alford Washington, Choctaw by blood	February 27, 1907.
Charley Hicks Choctaw by blood,	"
Florence Whitely, Chickasaw freedman,	"
Giras Lewis, Choctaw freedman,	"
Edith A. Denton, Choctaw freedman,	"
Daniel Wrenn, et al., Choctaw freedmen,	"
Solomon Green, Choctaw freedman,	"
Joseph R. Russell, Choctaw by intermarriage,	"
Susan Mitchell, Chickasaw freedman,	"
Dorcas Crumpton, Chickasaw by intermarriage,	"
and Clarence C. Melish, Chickasaw by blood,	February 25, 1907.

A copy hereof and all the papers in the cases have been sent to the Indian Office.

Respectfully,

H. A. Hitchcock,

Secretary.

1 inc. and 20 incs.
for Ind. Off.

WVF-3-8-07.

LAND
References in
body of letter.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir.

There is transmitted herewith several reports of Commissioner Bixby forwarding the records of proceedings in the matter of the applications for enrollment of the following persons:

- 21,786-1907. Sirus Lewis as a Choctaw freedman.
- 21,787-1907. Kate A. Benton as a Choctaw freedman.
- 21,788-1907. Daniel Wrenn, Babe Wrenn, Donah Wrenn, Mollie Wrenn, Clemmie Wrenn, Johnnie Wrenn, George Wrenn, Matilda A. Wrenn, Elmo Wrenn, J.D. Wrenn, Dan Wrenn and Collis Wesley Wrenn, as Choctaw freedmen.
- 21,789-1907. Solomon Green as a Choctaw freedman.
- 21,790-1907. Joseph E. Russell as a citizen by intermarriage of the Choctaw Nation.
- 21,791-1907. Florence Whitely as a Chickasaw freedman.
- 21,792-1907. Alfred Washington as a citizen by blood of the Choctaw Nation.
- 21,793-1907. Charley Hicks as a citizen by blood of the Choctaw Nation.

21,794-1907. Berens Crumpton as a citizen by intermarriage
and Clarence G. Melish as a citizen by blood
of the Chickasaw Nation.

21,797-1907. Susan Mitchell as a Chickasaw freedman.

The decision of Commissioner Eiky is adverse to the appli-
cants in each of the above cases. The Office has examined the
decisions of the Commissioner and found them to be correct, and
their approval is recommended.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

(K.B.N.)P.

7-D-507.

Muskogee, Indian Territory, April 8, 1907.

Joseph R. Russell,
Enterprise, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

7-D-207.

Muskogee, Indian Territory, April 8, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 27, 1907, denying the application for the enrollment of Joseph H. Russell as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Geo. B. Rodgers.

Acting Commissioner.

I would like to see you
 but don't know if I can get to
 New York. I am sorry
 but I must go to New York
 and stay till the 2nd
 week in August and then
 I will return home to
 my home.

It is that I have been
well.

I was it is true once
last night had a nice
night with 4 girls to my
room. I was not home
any more and so I
was not there. But
only while I was there for
a few days. I was
again. But
I hope you will see a letter
from me. I am a girl
that is all. I will ever have
That is the most objection
I have to married life.
I might have been a girl
myself. Now I am a
Roy. I am a girl
I am a girl

folks can get a hold of
 Joe and I would have liked to
 have him get the money for
 me and Kilo to make a
 living. he is not good to
 so he would have to work
 now here and he says he is no
 more. I have ever said and
 don't believe I can live in
 a house he is not. I think
 I know he is not. let
 me live with him but it will
 cause more trouble and
 for him to be in the way
 him. so please keep this
 me. when I get to see you
 tell you all how much I
 sympathize with you. I
 hope you will
 be a
 and

4

there was a man named
mine that stayed in our
last year and out say and
thing about it for he didn't
know ever about it. he
at church near the
office he could always get
my letters with him
ing them. for I have not
friends up here. so he care.
but he is a man who
don't want him to see it
all he will catch it. he
hardly ever see any of the
letters I write or write when
he is away and send them
and I send one.

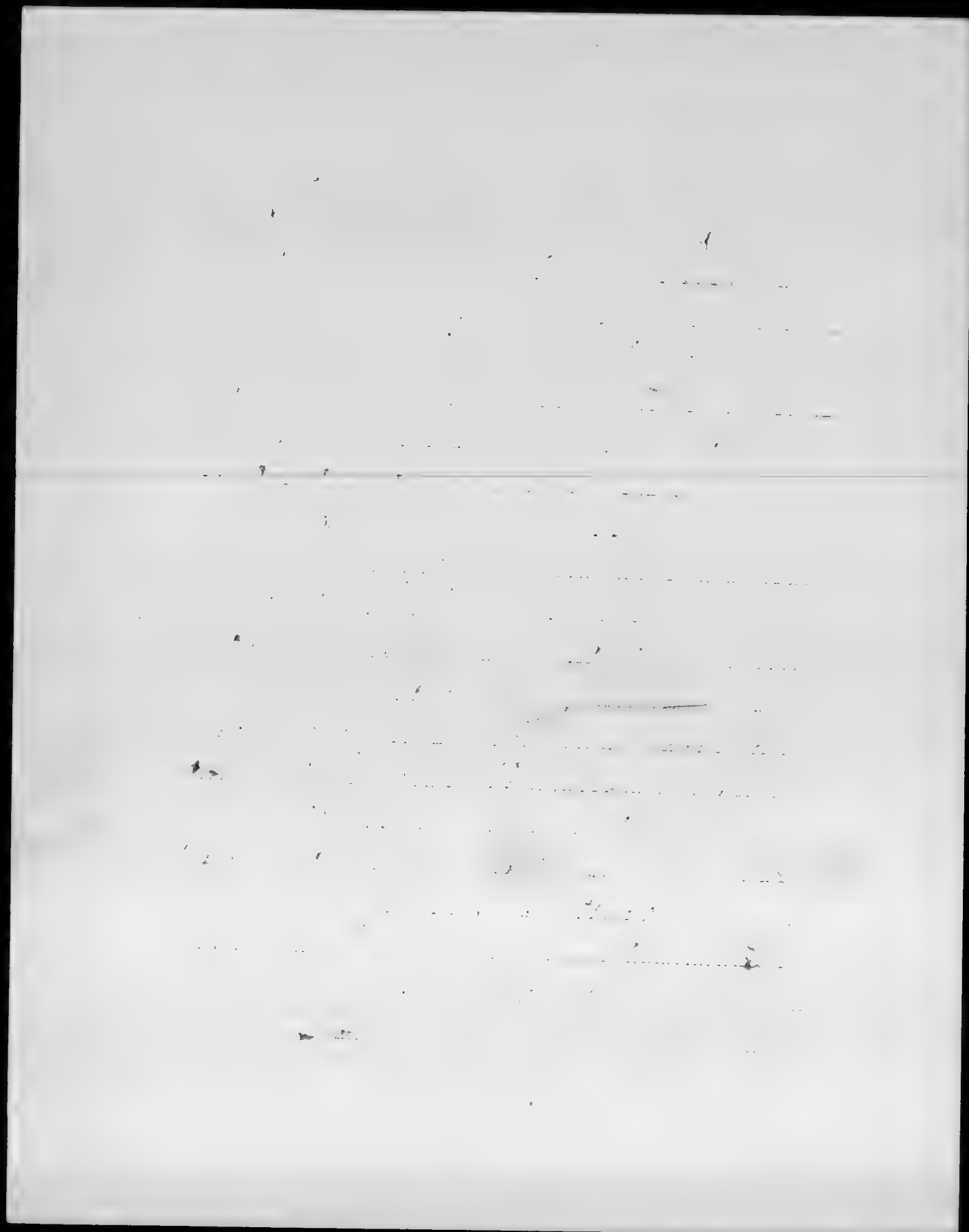
But the little is write
to [redacted] written
[redacted] and can't
[redacted] do it

5-
know whether she writes and
I don't get it or what. tell
her to mail her letters and
be sure to put my address
plain. for there is no other
Russell's here. all he wish
she would send me one of
those young looks they used
when I was there and making
it would be some company
to me I get so lonesome I
miss her. if you can
see her when by the way get
her to put a letter in with
you. for I always get your
letters. I got a letter from
J. K. and I was so proud I
dearly love him and miss
of him ever
though

me. I am so glad that
you have been so kind
he is a friend all over.
I shall find the best way
I had to help a friend out of
trouble. I hope some day
you will be the same as
a sister to me, and I
believe you will. I
decided not to. I always
have loved you. ask me
if I love her a letter and
tell her to write any way if
I do I have forgotten she
will have to pardon me if I
do. she is always so long in
answering. I have assured
and that it all have
any money

to turn it

Tell me the date of the 185
 not. it is the 1st of Feb.
 I wish I were there. I wish
 it was T. B. that was here
 and many I could come
 and see you people there
 but I can't. It is
 all over all the way
 you write to me. I
 here from you. I
 me cry to think
 a friend and I
 see her. So good love and
 a kiss to Bertie and Co. I
 wish I could see you all
 and so



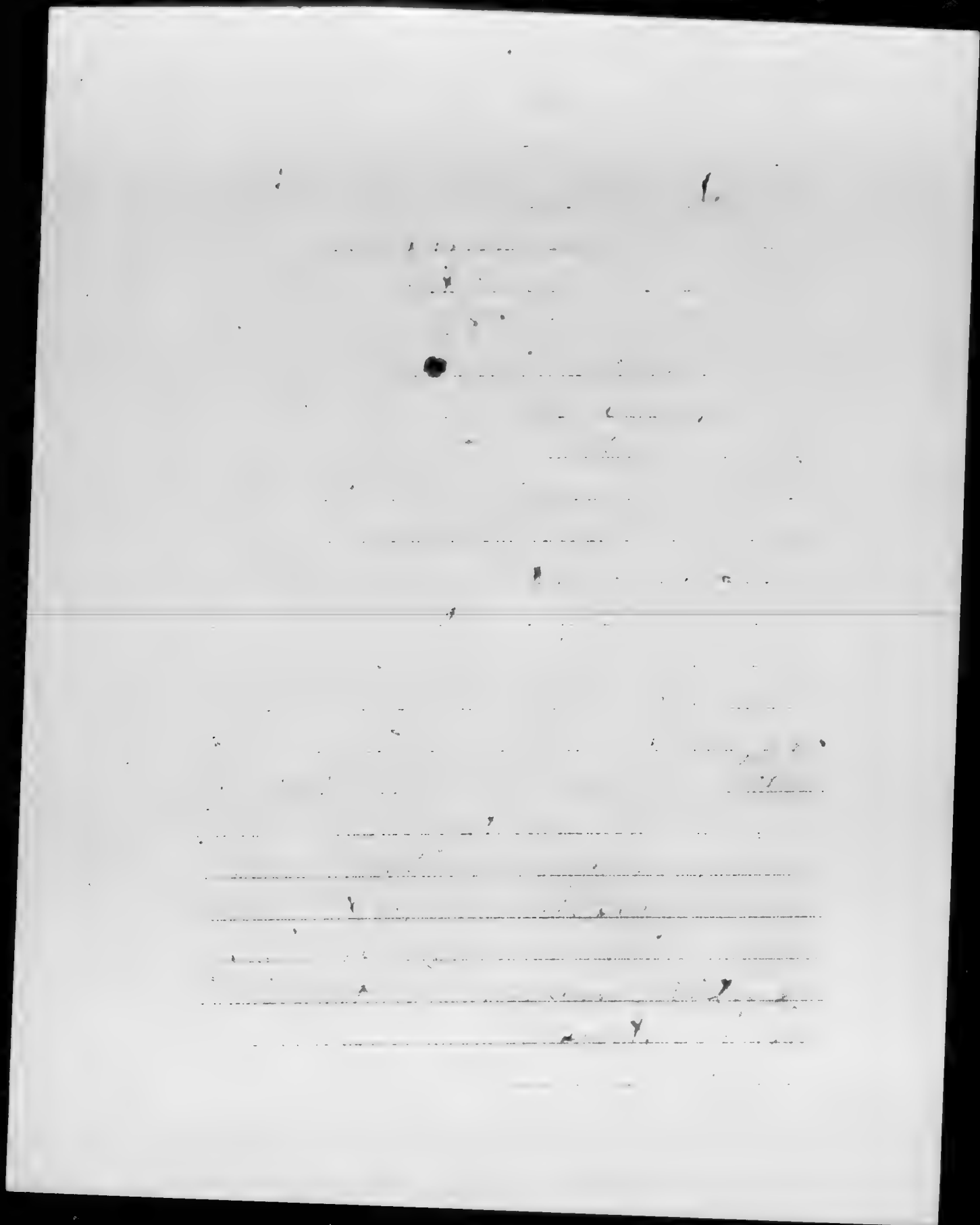
12

1. The first part of the paper is devoted to a general discussion of the problem of the origin of life. It is shown that the problem is one of the most important and most difficult in the history of science. The author discusses the various theories of the origin of life, and shows that the most plausible is the theory of spontaneous generation. This theory is based on the fact that life is a complex of many different parts, and that these parts are all derived from a common ancestor. The author shows that the theory of spontaneous generation is supported by the facts of the origin of life, and that it is the only theory that can explain the origin of life.

2. The second part of the paper is devoted to a discussion of the problem of the evolution of life. It is shown that the problem is one of the most important and most difficult in the history of science. The author discusses the various theories of the evolution of life, and shows that the most plausible is the theory of natural selection. This theory is based on the fact that life is a complex of many different parts, and that these parts are all derived from a common ancestor. The author shows that the theory of natural selection is supported by the facts of the evolution of life, and that it is the only theory that can explain the evolution of life.

3. The third part of the paper is devoted to a discussion of the problem of the origin of man. It is shown that the problem is one of the most important and most difficult in the history of science. The author discusses the various theories of the origin of man, and shows that the most plausible is the theory of spontaneous generation. This theory is based on the fact that man is a complex of many different parts, and that these parts are all derived from a common ancestor. The author shows that the theory of spontaneous generation is supported by the facts of the origin of man, and that it is the only theory that can explain the origin of man.

4. The fourth part of the paper is devoted to a discussion of the problem of the evolution of man. It is shown that the problem is one of the most important and most difficult in the history of science. The author discusses the various theories of the evolution of man, and shows that the most plausible is the theory of natural selection. This theory is based on the fact that man is a complex of many different parts, and that these parts are all derived from a common ancestor. The author shows that the theory of natural selection is supported by the facts of the evolution of man, and that it is the only theory that can explain the evolution of man.



1
COMMISSIONERS
HENRY I. DAVIS
TAMM BERRY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AVIESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

701
REPLY IN FULL TO THE FOLLOWING.

Choctaw-D-507

Muskogee, Indian Territory, February 26, 1903.

Joseph R. Russell,

Limestone, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903.

The Act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,


Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D 507

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 10, 1904.

Joseph R. Russell,

Enterprise, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by intermarriage of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,



Commissioner in Charge.

7-D-807.

Muskogee, Indian Territory, August 16, 1904.

Joseph R. Russell,

Enterprise, Indian Territory,

Dear Sir:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Wishomingo, Indian Territory, on September the 8th or 9th, 1904.

You are also advised that it will be necessary for you to produce and file with the Commission your marriage license and certificate of marriage, if you haven't the original you should furnish and file with the Commission a certified copy of the record of the same.

Respectfully,

Commissioner in Charge.

7D-507

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 9, 1905.

Leona Ingram,
Limestone, Indian Territory.

Dear Madam:

On September 15, 1899, your former husband, Joseph R. Russell, appeared before the Commission to the Five Civilized Tribes, at South Canadian, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Frequent letters addressed to his last known post office address, at Enterprise, Indian Territory, have been returned unclaimed.

If you have any knowledge relative to the whereabouts of said applicant, kindly notify this office of the same at the earliest possible date.

Respectfully,

Commissioner.

D.C. 1379.
I.T.B. 7014-1907.
L.R.T.
DIRECT.

J.N.Jr.
BJH

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 4, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following citizenship cases, adverse to the applicants, are hereby affirmed. A copy of Indian Office letter of March 2, 1907 (Lands 21766, etc.), submitting your reports, and recommending that your decisions be affirmed, is enclosed.

Title of Case.

Date of your
letter of transmittal.

Alford Washington, Choctaw by blood	February 27, 1907.
Charley Richs Choctaw by blood,	"
Florence Whitely, Chickasaw freedman,	"
Hiram Lewis, Choctaw freedman,	"
Edw. A. Benton, Choctaw freedman,	"
Daniel Brown, et al., Choctaw freedmen,	"
Salomon Green, Choctaw freedman,	"
Joseph E. Russell, Choctaw by intermarriage,	"
Susan Mitchell, Chickasaw freedman,	"
Dorcas Scrumpston, Chickasaw by intermarriage,	"
and Clarence C. Holish, Chickasaw by blood,	February 28, 1907.

A copy heretof and all the papers in the cases have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inc. and 20 incs.
for Ind. Off.

WIV--3-5-07.

LAND
References in
body of letter.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir.

There is transmitted herewith several reports of Commissioner Bixby forwarding the records of proceedings in the matter of the applications for enrollment of the following persons:

- 21,786-1907. Hiram Lewis as a Choctaw freedman.
- 21,787-1907. Kate A. Benton as a Choctaw freedman.
- 21,788-1907. Daniel Wrenn, Babe Wrenn, Donah Wrenn, Nellie Wrenn, Clemmie Wrenn, Johnnie Wrenn, George Wrenn, Matilda A. Wrenn, Rine Wrenn, J.D. Wrenn, Dan Wrenn and Collis Wesley Wrenn, as Choctaw freedmen.
- 21,789-1907. Solomon Green as a Choctaw freedman.
- 21,790-1907. Joseph E. Russell as a citizen by intermarriage of the Choctaw Nation.
- 21,791-1907. Florence Whitely as a Chickasaw freedman.
- 21,792-1907. Alford Washington as a citizen by blood of the Choctaw Nation.
- 21,793-1907. Charley Hicks as a citizen by blood of the Choctaw Nation.

-2-

21,794-1907. Berens Crumpton as a citizen by intermarriage
and Clarence C. Holish as a citizen by blood
of the Chickasaw Nation.

21,797-1907. Susan Mitchell as a Chickasaw freedman.

The decision of Commissioner Dixie is adverse to the appli-
cants in each of the above cases. The Office has examined the
decisions of the Commissioner and found them to be correct, and
their approval is recommended.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

(H.B.N.)P.

we

MEMORANDA.

(Date) July 15 1899.

211 - Name John H. [unclear]
Choctaw? yes County John H. [unclear] Year 96 No. 14969
Chickasaw? County Year Page 398
Citizen by blood? Mother's citizenship S
Intermarried citizen?
Married under what law? Choe
License filed this day, yes
Wife's name,
Choctaw? County Year No.
Chickasaw? County Year Page
Citizen by blood? Mother's citizenship
Intermarried citizen?
Married under what law?
License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

[Handwritten notes and signatures]

P-507

Choctaw D-507.

In the matter of the enrollment
of Joseph R. Russell as an in-
termarried citizen of the Choc-
taw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

U. S. DEPT. OF THE INTERIOR
BUREAU OF THE FIVE CIVILIZED TRIBES

FILED

FEB 6 1904



CHIEF

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joseph R. Russell as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-507.

- - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.


Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Choc D508 John A. Ozburn

Dismissed Dec 7, 1904

D508

Commission to the Five Civilized Tribes.

South Canadian, Indian Terr.

In the enrollment of John A. Osborn as an intermarried Choctaw
being sworn and examined by Gen'l McKennon he testified:

Q What is your name? A John A. Osborn.

Q How old are you? A Thirty-three.

Q You present here a license issued by the county and Probate
Judge of Tishomingo County, Chickasaw Nation, bearing date of
August 12th 1899, with a certificate of marriage dated September
13th 1899, was this license issued on the 12th day of August 1899?

A No sir, it was the 12th day of September 1899, the man made a
mistake.

Q Then you were actually married on the 13th day of September
1899? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commissioner, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

(C O P Y)

L I C E N S E.

NEBO, I.T. Aug. 12th, 1899

OFFICE OF COUNTY AND PROBATE JUDGE OF TISHOMINGO COUNTY, CHICKASAW
NATION.

I, Scott Hawkins, County and Probate Judge of Tishomingo
County, Chickasaw Nation, in the name and by the authority of law
in me vested do this day issue license to Mr. J.A. Ozbirn, a
citizen of the United State To Marry Miss H.J. Arm, a citizen
of the Choctaw Nation, In accordance with the requirements of law
in relation to marriages.

Given Under My Hand and Seal of Office, this the 12
day of Aug 1899.

(Signed) Scott Hawkins Judge

County and Probate Judge of

SEAL

Tishomingo County, C.H.

Recorded in Book 3 on page 235 on this the 14th day of Sept. 1899.

(Signed) Edward Turner,

Clerk of T.C.C.N.

(C O P Y)

CERTIFICATE OF MARRIAGE.

This is to certify that I did on the 13th day of September
A.D., 1899 unite in the holy bonds of matrimony Mr. J.A. Ozbirn
and Miss N.J. Arm (a Choctaw native) at the school house in
Palmer I.T.

(Signed) W.P. Skaggs,

Christian evangelist.

Recorded in Book 3 on page 235 on this the 14th day of
Sept- 1899.

(Signed) Edward Turner,

Clerk of T.C.C.N.

SEAL

(C O P Y)

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Choctaw D-508

Muskogee, Indian Territory, March 4, 1902.

John A. Ozbirn,

Palmer, Indian Territory.

You are hereby notified that the application of yourself.....

.....
for enrollment as a citizen of the Choctaw Nation will be taken
up for final consideration by the Commission to the Five Civil-
ized Tribes, at its office in Muskogee, Indian Territory, on
the 12th day of April, 1902.

On said date you may, if you desire, appear before the Commis-
sion in person or by attorney when an opportunity will be given
you to introduce any additional testimony affecting said appli-
cation which you may think proper or necessary.

You are further notified that the representatives of the
Choctaw Nation will also, at the same time, be afforded an op-
portunity to introduce testimony affecting YOUR right to en-
rollment, but said representatives will be required to notify
you of their intention to introduce such testimony before they
will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Register

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 12, 1902.

.....
:
: In the matter of the application :
: of John A. Osbirn for enrollment as :
: a citizen by intermarriage of the :
: Choctaw Nation. :
:
:.....

D-508.

On the 4th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of John A. Osbirn for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 12th day of April, 1902, for final consideration.

Now on this 12th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant being called, failed to appear either in person or by attorney.

-----;

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 12, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 14 day of April, 1902.

Clarence H. H. Wood
Notary Public.

Choctaw, D. 506.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ada, I. T., November 10, 1903.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of John A. Osbirn.

John A. Osbirn being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A John A. Osbirn.
Q What is your age? A 37.
Q What is your post office address? A Palmer.
Q Is that in the Chickasaw Nation? A Yes sir.
Q How long have you resided in the Chickasaw Nation? A 9 years.
Q Lived here continuously for the past 9 years? A Yes sir.
Q Are you an applicant for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your Indian wife? A Her name was Orms.
Q Her full name? A Nancy J. Orms.
Q Is she a recognized and enrolled citizen of the Choctaw Nation? A I reckon so.
Q She was admitted by the United States Court in 1896? A Yes sir.
Q When were you married to Nancy J. Orms? A To the best of my recollection the 13th of September, 1899.
Q Where did this marriage take place? A Palmer.
Q Were you both living at Palmer at that time? A Yes sir.
Q Did you procure a Chickasaw tribal license? A Yes sir.
Q From whom did you procure that license? A Judge Hawkins.
Q How much did you pay for it? A Fifty dollars.
Q Were you ever married before your marriage to her? A No sir.
Q Was she ever married before her marriage to you? A Yes sir.
Q What was the name of her former husband? A Orms.
Q When did she marry him? A I don't remember, been a long time.
Q Was he dead at the time of your marriage? A Yes sir.
Q Since this marriage to Nancy J. Orms in 1899 have you been living together continuously as husband and wife? A Yes sir.
Q Been no separation, abandonment or divorce? A No sir.
Q Are you at present bona fide residents of the Chickasaw Nation? A Yes sir.
Q Intend to make it your permanent home? A Yes sir.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Ada, I. T., on the 10th day of November, 1903, and that the within and foregoing is a full true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 15 day of November, 1903.

Charles H. Sawyer

Notary Public.

Max

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OK
7-508

7-D-508.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John A. Ozbirn
for enrollment as a citizen by intermarriage of the Choctaw
Nation.

-----0-----

The applicant, John A. Ozbirn, claims the right to
enrollment as a citizen by intermarriage of the Choctaw Nation
by reason of his marriage to Nancy J. Ozbirn (formerly Arms).

The right of the said Nancy J. Ozbirn, as Nancy J.
Ozbirn (nee Arms) or Nancy J. Arms, to citizenship in the Choctaw
Nation having been adversely determined by a decree of the
Choctaw and Chickasaw Citizenship Court of September 19, 1904,
in case number 52 upon the Tishomingo Docket of said Court, it is
hereby ordered that the application of John A. Ozbirn, for enroll-
ment as a citizen by intermarriage of the Choctaw Nation, be
dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Muskogee, Indian Territory,

DEC - 1904

7-D-808

Muskogee, Indian Territory, January 11, 1906.

John A. Osbirn,

Palmer, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 4, 1906, asking for the return of your marriage license and certificate, and in compliance with your request the same is returned herewith.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 15, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of April 24, 1905 (I T D 3649-1905) transmitting letter of April 15, 1905, from John A. Osbirn, of Palmer, Indian Territory, and requesting report thereon.

I have the honor to advise that the letter of John A. Osbirn was not inclosed with Departmental communication of April 24, 1905. Upon the receipt of this inclosure report will be made in the matter.

Respectfully,

SIGNED *Tamm E. E. E.*

Chairman.

Through the Commissioner
of Indian Affairs.

Muskogee, Indian Territory, May 31, 1905.

John A. Osborn,
Palmer, Indian Territory.

Dear Sir:

The Commission is in receipt of a letter from the Acting Secretary of the Interior, under date of April 24, 1905 (I T D 3649-1905), enclosing your letter, under date of April 15, 1905, addressed to the Honorable Secretary of the Interior, Washington, D. C.

The Commission is requested by the Department to furnish a complete report in reference to your rights to enrollment as a citizen of the Choctaw Nation, and, if possible, copies of the petition of citizens filed by you in order to secure your marriage license; also copy of said license, together with copy of the oath of allegiance subscribed to by you, as required under the tribal laws.

In order that a report may be made in this matter to the Department, you are requested at the earliest practicable date to forward to the Commission either the original or a certified copy of your marriage license and certificate, of the petition for the

J A O R

issuance of said marriage license, and the form of oath subscribed
to by you as required under the tribal laws.

Respectfully,

SIGNED *Tams Bixby.*

Chairman.

Muskogee, Indian Territory, June 19, 1905.

John A. Osbirn,

Palmer, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 7, returning your marriage license and certificate. You have the thanks of this office for your prompt attention.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, June 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of departmental letter of April 24, 1905 (I T D 3649-1905), enclosing a letter from John A. Osbirn, of Palmer, Indian Territory, under date of April 15, 1905, in which he claims that he is entitled to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage in 1899 to a citizen by blood of the Choctaw Nation who was recognized as such by the United States Court at Ardmore, Indian Territory, prior to his marriage.

The Commission is requested to furnish a complete report in the matter and if possible copies of the petition of citizens filed by him in order to secure his marriage license; also copy of such license, together with copy of the form of oath of allegiance subscribed to by him and required under the tribal laws.

I have the honor to report in connection with this matter that John A. Osbirn, on September 16, 1899, personally appeared before the Commission and made application for enrollment as a citizen by intermarriage of the Choctaw Nation. Osbirn claimed his right to enrollment as a citizen by intermarriage of the Cho-

(2)

taw Nation by reason of his marriage on September 13, 1899, under a Chickasaw tribal license, to Nancy J. Arms, an alleged citizen by blood of the Choctaw Nation.

Nancy J. Arms appears upon the records of the Commission as an applicant for citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats. 321). Her name is not found upon any of the tribal rolls of either the Choctaw or Chickasaw Nations in the possession of the Commission, nor does it appear that she has ever in any manner been recognized by the tribal authorities of either of said nations as a citizen thereof.

In 1896 Choctaw citizenship case No. 236 Nancy J. Arms was denied admission to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes. From this action an appeal was taken to the United States Court for the Southern District of the Indian Territory, where the decision of the Commission was reversed and the applicant admitted by said court in its judgment of May 10, 1898, in citizenship case No. 193. This judgment of the United States Court for the Southern District of the Indian Territory was in full force and effect until December 17, 1902, when the same was annulled, vacated and set aside by the decree of the Choctaw and Chickasaw Citizenship Court in the case of "Choctaw and Chickasaw Nations or Tribes versus J. T. Riddle, et al."

(3)

The case of Nancy J. Arms was subsequently transferred to the Choctaw and Chickasaw citizenship court for a trial de novo under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and after a trial of said cause by the citizenship court a decree was rendered by said court on September 19, 1904, in Tishomingo case No. 52, denying the applicant Nancy J. Arms.

At the time of the marriage of John A. Osbirn to Nancy J. Arms, on September 13, 1899, the judgment of the United States Court for the Southern District of the Indian Territory admitting Nancy J. Arms to citizenship in the Choctaw Nation was in full force and effect and the applicant Nancy J. Arms had been duly listed for enrollment as a citizen by blood of the Choctaw Nation by the Commission to the Five Civilized Tribes in pursuance of said judgment.

Osbirn and his wife, Nancy J. Arms, were at the time of their marriage bona fide residents of the Chickasaw Nation, Indian Territory, and the marriage license was issued by Scott Hawkins, county and probate judge of Tishomingo county, Chickasaw Nation, on August 12, 1899, in pursuance of an Act of the Chickasaw legislature approved October 19, 1876, as amended September 24, 1887, and found upon page 142 et seq. of the Constitution and Laws of the Chickasaw Nation published by authority of the Chickasaw legislature in 1899, as follows:

Section 1. Be it enacted by the Legislature of the Chickasaw Nation, That all non-citizens shall remain in any one county of this Nation for a period of two years, and be of good moral character and industrious habits before they can procure a license to marry a citizen of this Nation; Provided, further, they be recommended by at least five good and responsible citizens of this Nation, and of the County wherein they resided, the County Judge being satisfied with the petition shall grant a license to marry under existing laws, and the non-citizens so applying for license shall pay fifty dollars, five of which shall be retained by the County Judge and forty-five dollars to be placed in the National Treasury for National purposes.

Sec. 2. Be it further enacted, That such member of the Chickasaw Nation shall be competent to contract marriage, or shall have the consent of his or her parents or guardian to marry such citizen of the United States, and hereafter no marriage between a citizen of the United States and a member of the Chickasaw Nation shall confer any right of citizenship, or any right to improve or select lands within the Chickasaw Nation, unless such marriage shall have been solemnized in accordance with the laws of the Chickasaw Nation; and all marriages between citizens of the United States and members of the Chickasaw Nation shall be duly certified by the officer or minister of the Gospel who shall have performed the marriage ceremony, to the Clerk of the County Court of the county where such marriage took place, who shall record the same, and every such officer or minister of the Gospel (if a citizen of the Chickasaw Nation) who shall marry a citizen of the United States to a member of the Chickasaw Nation, without such license, shall be subject to a fine of fifty dollars, to be imposed by the County Court and collected as other fines, for county purposes; and if such minister be a citizen of the United States, he shall be removed from the Nation.

Sec. 3. Be it further enacted, That no marriage heretofore solemnized, or which may hereafter be solemnized, between a citizen of the United States and a member of the Chickasaw Nation, shall enable such citizen of the United States, to confer any right or privilege whatever, in this Nation, by again marrying another citizen of the United States or upon such other citizen of the United States or their issue, and in case any citizen of the United States shall have married a member of the Chickasaw Nation, and shall have heretofore abandoned her, or should hereafter voluntarily abandon or separate from such member of the Chickasaw Nation, such citizen of the

United States shall forfeit all right acquired by such marriage in this Nation, and shall be liable to removal, as an intruder, from the limits thereof.

Sec. 4. Be it further enacted, That all Acts or parts of Acts coming in conflict with the provisions of this Act are hereby repealed, and that this Act take effect from and after its passage."

The marriage of John A. Osbirn to Nancy J. Arms was in accordance with the tribal laws, customs and usages of the Chickasaw Nation.

An effort has been made to secure the original petition presented by John A. Osbirn for the issuance of the Chickasaw license and the recommendation made by the five citizens of said nation as required by the Act. This effort has been unsuccessful, and the Commission is now in receipt of a letter from Osbirn, under date of June 7, 1905, in which he states in reference thereto as follows:

"I went to the Judge that issued me the license. He says there is no record kept of the petitions signed by the five citizens. All such papers are destroyed. I can get a form of the petition from the attorney that wrote it, if necessary, or I can find the five citizens that signed the petition."

After the rendition by the Choctaw and Chickasaw citizenship court of its decree denying the admission of Nancy J. Arms to citizenship in the Choctaw Nation, the Commission, on December 7, 1904, entered of record an order dismissing the application of John A. Osbirn for enrollment as a citizen by intermarriage of the Choctaw Nation for the reason that the right of Nancy J. Osbirn

(6)

(Honey J. Arms) to citizenship in the Choctaw Nation had been adversely determined by a decree of the Choctaw and Chickasaw citizenship court, September 19, 1904, in case No. 32 on the Tishomingo docket of said court.

With the return of Mr. Osburn's letter of April 15, 1906, I have the honor to transmit herewith for the information of the Department in the consideration of this matter, the record made before the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of John A. Osburn as a citizen by intermarriage of the Choctaw Nation, the marriage license issued by Scott Hawkins, county and probate judge of Tishomingo county, Chickasaw Nation, on August 12, 1899, and the certificate of W. P. Skaggs to the marriage of J. A. Osburn and H. J. Arms, on September 13, 1899.

Respectfully,

SIGNED *Tame Bixby.*

Chairman.

Through the Commissioner
of Indian Affairs.

MM 19/1

Muskogee, Indian Territory, June 26, 1905.

Cruce, Cruce & Bleakmore,
Attorneys at Law.

Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 19, 1905, referring to our letter of May 31, 1905, to John A. Osborn of Palmer, Indian Territory, requesting him to send the original or certified copy of his marriage license, petition of the issuance thereof, and the form of oath subscribed by him; he tells you he has sent the marriage license, but that Judge Hawkins who issued his license advised him his petition for such license was not preserved; he also states that if he ever took any oath of allegiance to the Indian Government he has no recollection of it and you are advised the Chickasaw laws do not require any oath of allegiance; you also state that it is impossible to get a copy of this petition of license but if necessary he can furnish the affidavits of the five Indian citizens who indorsed his petition and if anything further is necessary to be done in this matter you would like to be advised.

In reply to your letter you are informed that the Secretary of the Interior requests copies of the petition of citizens, copy of his marriage license together with copy of the form of oath of allegiance subscribed to by him and requested under the tribal laws

C C & B 42

and on June 19, 1905, report was made to the Secretary of the Interior and the marriage license enclosed by Mr. Osborn transmitted him. If further evidence is necessary you will be duly advised.

Respectfully,

Chairman.

28237

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.W.H.
LLB

August 22, 1905.

D.C. 40797-1905.
I.T.D. 7391-1905.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On April 24, 1905, the Department forwarded a letter to the Commission to the Five Civilized Tribes, dated April 15, 1905, from John A. Ozbirn, Palmer, Ind. T., relative to his enrollment as a citizen by intermarriage of the Choctaw Nation. The Commission was requested to furnish a complete report in the matter. This report has not yet been received.

The Department is now in receipt of a letter from Mr. Ozbirn dated August 7, 1905, in which he requests that the improved lands claimed by him be withheld from allotment until his citizenship rights are determined.

You are directed to take due care that no deed be issued covering Mr. Ozbirn's improved lands prior to the final determination of his citizenship case. He has this day been advised to communicate with you in connection with the matter.

Respectfully,

THOS. RYAN,
Acting Secretary

7-D-508

Muskogee, Indian Territory, September 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of departmental letter of August 22, 1905 (I T D 7391-1905), in which the attention of this office is invited to the fact that on April 24, 1905, the Department forwarded to the Commission to the Five Civilized Tribes a letter of John A. Osbirn, of Palmer, Indian Territory, dated April 15, 1905, relative to his enrollment as a citizen by intermarriage of the Choctaw Nation, and requested that a complete report be furnished in the matter.

It does not appear that this report has been received by the Department, and Mr. Osbirn in a letter under date of August 7, 1905, requests that the improved lands claimed by him be withheld from allotment until his citizenship rights are determined.

This office is directed to take due care that no deed be issued covering Mr. Osbirn's improved lands prior to the final determination of his citizenship case, and the Department states that he has been directed to communicate with the Commissioner in connection with the matter.

(2)

I have the honor in reply to departmental letter of August 22, 1905, to report that on May 15, 1905, in replying to departmental letter of April 24, 1905 (I T D 3649-1905), the Chairman of the Commission to the Five Civilized Tribes advised the Department that Mr. Ozbirn's letter of April 15th was not enclosed with the Department's letter of April 24, 1905.

The letter was, however, subsequently received, and on June 19, 1905, a report in full was submitted by the Chairman of the Commission to the Five Civilized Tribes through the Commissioner of Indian Affairs, with which was transmitted the record in the matter of the application for the enrollment of John A. Ozbirn as a citizen by intermarriage of the Choctaw Nation, the marriage license issued by Scott Hawkins, county and probate judge of Tishomingo county, Chickasaw Nation, August 12, 1899, and the certificate of W. P. Skaggs to the marriage of J. A. Ozbirn and N. J. Arms, on September 13, 1899.

I have further to report that copies of departmental letter of August 22, 1905 (I T D 7391-1905) have been furnished the Choctaw and Chickasaw land offices, and said offices have been directed to take due care that no deed be issued covering

(3)

Mr. Osbirn's improved lands prior to the final determination of his citizenship rights.

Respectfully,

Acting Commissioner.

Through the Commissioner
of Indian Affairs.

Muskogee, Indian Territory, September 26, 1905.

Chief Clerk,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

Your attention is invited to the question as to the right to enrollment of John A. Ozborn, whose name appears upon Choctaw card D 508, and who is probably upon the list of undetermined applicants for citizenship in the Choctaw Nation in the possession of your office.

In this case an order was issued on December 7, 1904, dismissing the application of John A. Ozborn for enrollment as a citizen by intermarriage of the Choctaw Nation for the reason that his wife, Nancy J. Ozborn, through whom he claimed the right to enrollment, had, under the name of Nancy J. Arms, been denied citizenship in the Choctaw Nation by a decree of the Choctaw and Chickasaw citizenship court rendered September 19, 1904, in Tishomingo case No. 52.

It seems that at the time the judgment of the United States Court in Indian Territory admitting Nancy J. Arms to citizenship in the Choctaw Nation was in full force and effect, John A. Ozborn, on June 13, 1899, secured a Choctaw tribal license and was

Chickasaw Land Office 2

married to Nancy J. Arms in conformity with the tribal laws, customs and usages of the Choctaw Nation.

The applicant is now insisting that by virtue of the issuance of the tribal license and his subsequent marriage, he is, irrespective of any determination of the citizenship of his wife, entitled to enrollment as an intermarried citizen of the Choctaw Nation.

This matter has been the subject of considerable correspondence between this office and the Department, and on August 22, 1905, the Department, in referring to a letter from Mr. Osbirn under date of August 7th, in which he requests that his improved lands be withheld from allotment until his citizenship rights are finally determined, directed that due care be taken that no deed be issued covering Osbirn's improved lands prior to the final determination of his citizenship case.

I enclose herewith for your information, copy of departmental letter of August 22, 1905, in reference to this matter, also an affidavit of John A. Osbirn of September 21, 1905, in which he indicates certain land in the Chickasaw Nation which he desires as his prospective allotment.

In conformity with the instructions of the Secretary of the Interior, you will take due care that no deed is issued covering the land described by Mr. Osbirn. You will also make a notation of his claim upon the records of your office and advise any

Chickasaw Land Office 3

other person who desires to select said land in allotment of Mr.
Ozbirn's claim thereto.

Respectfully,

Commissioner.

Mem 26/1

COPY

JP

FHR

DEPARTMENT OF THE INTERIOR

56714-1905.
I.T.D. 12234-1905.
12524- "

WASHINGTON.

LRS

December 16, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory:

Sir:

September 23, 1905, the Indian Office submitted to the Department the letter of the Commission to the Five Civilized Tribes of June 19, 1905, relative to the application of John A. Osborn, for enrollment as a citizen by intermarriage of the Choctaw Nation, having previous to that time, September 16, 1905, transmitted your letter of September 7, 1905, in reply to departmental letter of August 22, 1905, informed the Department of the report of June 19, 1905.

It is shown that Osborn was married to Nancy J. Arms, September 13, 1899, in accordance with a Chickasaw license. Nancy J. Arms was denied citizenship by the Commission to the Five Civilized Tribes in 1896. Its decision was reversed by the United States Court in 1898. The case was transferred to the Choctaw-Chickasaw Citizenship Court, and that court rendered a decree September 19, 1904, denying the application of Nancy J. Arms.

You state that therefore, on December 7, 1904, the Commission to the Five Civilized Tribes entered of record an order dismissing the application of John A. Osborn for enrollment as a citizen by intermarriage of the Choctaw Nation.

(2)

The Indian Office expressed the opinion that the action of the Commission was correct and should be concurred in.

The Department concurs in the views of the Indian Office, and you will so advise Mr. Osbirn, whose letter to the Department dated Palmer, I. T., April 15, 1905, was returned by the Commission.

The marriage license and affidavit filed by Mr. Osbirn are inclosed to be returned to him. Copies of Indian Office letters are also inclosed.

Respectfully,

Thos Ryan

First Assistant Secretary.

4 inclosures.

COPY

Land
72291-1905.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON.

September 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Permit me to invite your attention to letter of the Commissioner to the Five Civilized Tribes of the 7th instant, acknowledging receipt of Departmental letter of August 22, 1905, -I.T.D. 7391-1905- in which his attention is invited to the fact that on April 24, 1905, the Department forwarded to the Commission to the Five Civilized Tribes a letter from John A. Osbirn, of Palmer, Indian Territory, dated April 15, relative to his enrollment as a citizen by intermarriage of the Choctaw Nation, and requested that a complete report be furnished.

Mr. Bixby says it does not appear that this report has been received by the Department, and Mr. Osbirn, in a letter under date of August 7, requests that the improved lands claimed by him be withheld from allotment until his citizenship rights are determined.

The Commissioner acknowledges the direction to take due care that no deed be issued covering Mr. Osbirn's improved lands prior to the final determination of his citizenship case.

Mr. Bixby, replying to Departmental letter of August 22, says, on May 15, in response to Departmental letter of April 24, I.T.D. 3649, 1905- the Chairman of the Commission to the Five Civil-

(2)

ized Tribes advised the Department that Mr. Ozburn's letter of April 15 was not enclosed with the Department's letter of April 24. The letter was, however, subsequently received, and on June 19 a report in full was submitted by the Commission to the Five Civilized Tribes through this Office, with which was transmitted the record in the matter of the application for the enrollment of John A. Ozburn as a citizen by intermarriage of the Choctaw Nation, the marriage license issued by Scott Hawkins, county and Probate Judge of Tishomingo County, Chickasaw Nation, August 12, 1899, and the certificate of W. P. Skaggs to the marriage of J. A. Ozburn and N. J. Arms on September 13, 1899.

The Commission further reports that copies of Departmental letter of August 22, - I.T.D. 7391, 1905- have been furnished the Choctaw and Chickasaw land offices, and these offices have been directed to take due care that no deed be issued covering Mr. Ozburn's improved lands prior to the final determination of his citizenship rights.

Very respectfully,

F. E. Leupp,

Commissioner.

EBH-Ma

COPY

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON.

Land
47781-1908.

September 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Your attention is respectfully invited to the enclosed letter of the Commission to the Five Civilized Tribes, of June 19, acknowledging receipt of Departmental letter of April 24, 1905, (I.T.D. 3649-1905)- enclosing a letter from John A. Osbirn, of Palmer, Indian Territory, under date of April 15, 1905, in which he claims that he is entitled to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage in 1899 to a citizen by blood of the Choctaw Nation, who was recognized as such by the United States Court at Ardmore, Indian Territory, prior to his marriage.

The Commission was required to furnish a complete report in the matter, and, if possible, copies of the petition of citizens filed by Osbirn in order to secure his marriage license, together with copy of the form of oath of allegiance subscribed to by him and required under the tribal laws.

Chairman Bixby reports in connection with this matter, that John A. Osbirn, on September 16, 1899, personally appeared before the Commission and made application for enrollment as a citizen by intermarriage of the Choctaw Nation. Osbirn claimed his right to enrollment as a citizen by intermarriage of the Choctaw Nation by

reason of his marriage on September 13, 1899, under a Chickasaw tribal license, to Nancy J. Arms, an alleged citizen by blood of the Choctaw Nation.

Nancy J. Arms appears upon the records of the Commission as an applicant for citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Her name is not found upon any of the tribal rolls of either the Choctaw or Chickasaw Nations in the possession of the Commission, nor does it appear that she has ever, in any manner, been recognized by the tribal authorities of either of the nations as a citizen thereof.

Further, Commissioner Bixby says, in the 1896 Choctaw citizenship case No. 258, Nancy J. Arms was denied admission to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes. From this action an appeal was taken to the United States Court for the Southern District of the Indian Territory, where the decision of the Commission was reversed, and the applicant admitted by the court in its judgment of May 10, 1898, in citizenship case No. 103. This judgment of the United States Court for the Southern District of the Indian Territory was in full force and effect until December 17, 1902, when it was annulled, vacated and set aside by the decree of the Choctaw and Chickasaw Citizenship Court in the case of "Choctaw and Chickasaw Nations or tribes vs. J. T. Riddle, et al."

The case of Nancy J. Arms was subsequently transferred to the Choctaw and Chickasaw citizenship courts for a trial de novo

(3)

under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and after a trial of the cause by the citizenship court, a decree was rendered by the court on September 19, 1904, in Tishomingo case No. 52, denying the applicant, Nancy J. Arms.

At the time of the marriage of John A. Osborn to Nancy J. Arms, on September 13, 1899, the judgment of the United States Court for the Southern District of the Indian Territory admitting Nancy J. Arms to citizenship in the Choctaw Nation was in full force and effect, and she had been duly listed for enrollment as a citizen by blood of the Choctaw Nation by the Commission to the Five Civilized Tribes in pursuance of that judgment.

Chairman Bixby further says Osborn and his wife, Nancy J. Arms, were at the time of their marriage bona fide residents of the Chickasaw Nation, Indian Territory, and the marriage license was issued by Scott Hawkins, County and Probate Judge of Tishomingo County, Chickasaw Nation, on August 12, 1899, in pursuance to an act of the Chickasaw Legislature approved October 19, 1876, as amended September 24, 1887, and found upon page 142 of the Constitution and laws of the Chickasaw Nation, published by authority of the Chickasaw Legislature in 1899, as follows:

Section 1. Be it enacted by the Legislature of the Chickasaw Nation, That all non-citizens shall remain in any one county of this Nation for a period of two years, and be of good moral character and industrious habits before they can procure a license to marry a citizen of this Nation; Provided, further, they be recommended by at least five good and responsible citizens of this Nation, and of the county wherein they resided, the County Judge being satisfied with the petition shall grant a license to marry under existing laws, and the non-citizens so applying for license shall pay fifty dollars, five of which shall be retained by the County Judge

and forty-five dollars to be placed in the National Treasury for National purposes.

Sec. 2. Be it further enacted, That such member of the Chickasaw Nation shall be competent to contract marriage, or shall have the consent of his or her parents or guardian to marry such citizen of the United States, and hereafter no marriage between a citizen of the United States and a member of the Chickasaw Nation shall confer any right of citizenship, or any right to improve or select lands within the Chickasaw Nation, unless such marriage shall have been solemnized in accordance with the laws of the Chickasaw Nation; and all marriages between citizens of the United States and members of the Chickasaw Nation shall be duly certified by the officer or minister of the Gospel who shall have performed the marriage ceremony, to the clerk of the County Court of the county where such marriage took place, who shall record the same, and every officer or minister of the Gospel (if a citizen of the Chickasaw Nation) who shall marry a citizen of the United States to a member of the Chickasaw Nation, without such license, shall be subject to a fine of fifty dollars, to be imposed by the County Court and collected as other fines, for county purposes; and if such minister be a citizen of the United States, he shall be removed from the Nation.

Sec. 3. Be it further enacted, That no marriage heretofore solemnized, or which may hereafter be solemnized, between a citizen of the United States and a member of the Chickasaw Nation, shall enable such citizen of the United States, to confer any right or privilege whatever, in this Nation, by again marrying another citizen of the United States or upon such other citizen of the United States or their issue, and in case any citizen of the United States shall have married a member of the Chickasaw Nation, and shall have heretofore abandoned her or should voluntarily abandon or separate from such member of the Chickasaw Nation, such citizen of the United States shall forfeit all right acquired by such marriage in this Nation, and shall be liable to removal, as an intruder, from the limits thereof.

Sec. 4. Be it further enacted, That all acts or parts of acts coming in conflict with the provisions of this act are hereby repealed, and that this act take effect from and after its passage."

The marriage of John A. Ozburn to Nancy J. Arms is considered by Mr. Bixby to be in accordance with the tribal laws, customs and usages of the Chickasaw Nation.

We further says an effort has been made to secure the original petition presented by John A. Ozburn for the issuance of the Chickasaw license, and the recommendation made by the five citizens of the nation, as required by the act. This effort has been un-

successful, and the Commission received a letter from Ozbirn, under date of June 7, 1905, in which he states:

I went to the Judge that issued me the license. He says there is no record kept of the petitions signed by the five citizens. All such papers are destroyed. I can get a form of the petition from the attorney that wrote it, if necessary, or I can find the five citizens that signed the petition.

After the rendition by the Choctaw and Chickasaw Citizenship Court of its decree denying the admission of Nancy J. Arms to citizenship in the Choctaw Nation, the Commission, on December 7, 1904, entered of record an order dismissing the application of John A. Ozbirn for enrollment as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of Nancy J. Ozbirn (Nancy J. Arms) to citizenship in the Choctaw Nation had been adversely determined by decree of the Choctaw and Chickasaw Citizenship Court, September 19, 1904, in case No. 52 on the Tishomingo docket.

With the return of Mr. Ozbirn's letter of May 15, 1905, Commissioner Bixby transmits, for the information of the Department in the consideration of this matter, the record made before the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of John A. Ozbirn as a citizen by intermarriage of the Choctaw Nation, the marriage license issued by Scott Hawkins, County and Probate Judge of Tishomingo County, Chickasaw Nation, on August 12, 1899, and certificate of W. P. Skaggs to the marriage of John A. Ozbirn and Nancy J. Arms on September 13, 1899.

Confining itself strictly to the record as submitted by the Commission, this Office is of the opinion that the action of

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the Commission in rejecting Jehn A. Osborn on his application for enrollment as an intermarried citizen was correct and should be approved. I recommend accordingly.

Very respectfully,

C. F. Larrabee,

EBH-Wa

Acting Commissioner.

COPY.

Madagee, Indian Territory, June 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of departmental letter of April 24, 1905 (I T D 3649-1905), enclosing a letter from John A. Osbirn, of Palmer, Indian Territory, under date of April 15, 1905, in which he claims that he is entitled to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage in 1899 to a citizen by blood of the Choctaw Nation who was recognized as such by the United States Court at Ardmore, Indian Territory, prior to his marriage.

The Commission is requested to furnish a complete report in the matter and if possible copies of the petition of citizens filed by him in order to secure his marriage license; also copy of such license, together with copy of the form of oath of allegiance subscribed to by him and required under the tribal laws.

I have the honor to report in connection with this matter that John A. Osbirn, on September 16, 1899, personally appeared before the Commission and made application for enrollment as a citizen by intermarriage of the Choctaw Nation. Osbirn claimed his right to enrollment as a citizen by intermarriage of the Choctaw

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law Nation by reason of his marriage on September 13, 1899, under a Chickasaw tribal license, to Nancy J. Arms, an alleged citizen by blood of the Choctaw Nation.

Nancy J. Arms appears upon the records of the Commission as an applicant for citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats. 321). Her name is not found upon any of the tribal rolls of either the Choctaw or Chickasaw Nations in the possession of the Commission, nor does it appear that she has ever in any manner been recognized by the tribal authorities of either of said nations as a citizen thereof.

In 1896 Choctaw citizenship case No. 258 Nancy J. Arms was denied admission to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes. From this action an appeal was taken to the United States Court for the Southern District of the Indian Territory, where the decision of the Commission was reversed and the applicant admitted by said court in its judgment of May 10, 1898, in citizenship case No. 103. This judgment of the United States Court for the Southern District of the Indian Territory was in full force and effect until December 17, 1902, when the same was annulled, vacated and set aside by the decree of the Choctaw and Chickasaw Citizenship Court in the case of "Choctaw and Chickasaw Nations or Tribes versus J. T. Riddle, et al."

(3)

The case of Nancy J. Arms was subsequently transferred to the Choctaw and Chickasaw citizenship court for a trial de novo under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and after a trial of said cause by the citizenship court a decree was rendered by said court on September 19, 1904, in Tishomingo case No. 58, denying the applicant Nancy J. Arms.

At the time of the marriage of John A. Osbirn to Nancy J. Arms, on September 13, 1899, the judgment of the United States Court for the Southern District of the Indian Territory admitting Nancy J. Arms to citizenship in the Choctaw Nation was in full force and effect and the applicant Nancy J. Arms had been duly listed for enrollment as a citizen by blood of the Choctaw Nation by the Commission to the Five Civilized Tribes in pursuance of said judgment.

Osbirn and his wife, Nancy J. Arms, were at the time of their marriage bona fide residents of the Chickasaw Nation, Indian Territory, and the marriage license was issued by Scott Hawkins, county and probate judge of Tishomingo county, Chickasaw Nation, on August 12, 1899, in pursuance of an Act of the Chickasaw legislature approved October 19, 1876, as amended September 24, 1887, and found upon page 142 et seq. of the Constitution and Laws of the Chickasaw Nation published by authority of the Chickasaw legislature in 1899, as follows:

Section 1. Be it enacted by the Legislature of the Chickasaw Nation, That all non-citizens shall remain in any one county of this Nation for a period of two years, and be of good moral character and industrious habits before they can procure a license to marry a citizen of this Nation; Provided, further, they be recommended by at least five good and responsible citizens of this Nation, and of the County wherein they resided, the County Judge being satisfied with the petition shall grant a license to marry under existing laws, and the non-citizens so applying for license shall pay fifty dollars, five of which shall be retained by the County Judge and forty-five dollars to be placed in the National Treasury for National purposes.

Sec. 2. Be it further enacted, That such member of the Chickasaw Nation shall be competent to contract marriage, or shall have the consent of his or her parents or guardian to marry such citizen of the United States, and hereafter no marriage between a citizen of the United States and a member of the Chickasaw Nation shall confer any right of citizenship, or any right to improve or select lands within the Chickasaw Nation, unless such marriage shall have been solemnized in accordance with the laws of the Chickasaw Nation; and all marriages between citizens of the United States and members of the Chickasaw Nation shall be duly certified by the officer or minister of the Gospel who shall have performed the marriage ceremony, to the Clerk of the County Court of the county where such marriage took place, who shall record the same, and every such officer or minister of the Gospel (if a citizen of the Chickasaw Nation) who shall marry a citizen of the United States to a member of the Chickasaw Nation, without such license, shall be subject to a fine of fifty dollars, to be imposed by the County Court and collected as other fines, for county purposes; and if such minister be a citizen of the United States, he shall be removed from the Nation.

Sec. 3. Be it further enacted, That no marriage heretofore solemnized, or which may hereafter be solemnized, between a citizen of the United States and a member of the Chickasaw Nation, shall enable such citizen of the United States, to confer any right or privilege whatever, in this Nation, by again marrying another citizen of the United States or upon such other citizen of the United States or their issue, and in case any citizen of the United States shall have married a member of the Chickasaw Nation, and shall have heretofore abandoned her, or should hereafter voluntarily abandon or separate from such member of the Chickasaw Nation, such citizen of the

United States shall forfeit all right acquired by such marriage in this Nation, and shall be liable to removal, as an intruder, from the limits thereof.

Sec. 4. Be it further enacted, That all Acts or parts of Acts coming in conflict with the provisions of this Act are hereby repealed, and that this Act take effect from and after its passage."

The marriage of John A. Osbirn to Nancy J. Arms was in accordance with the tribal laws, customs and usages of the Chickasaw Nation.

An effort has been made to secure the original petition presented by John A. Osbirn for the issuance of the Chickasaw license and the recommendation made by the five citizens of said nation as required by the Act. This effort has been unsuccessful, and the Commission is now in receipt of a letter from Osbirn, under date of June 7, 1905, in which he states in reference thereto as follows:

"I went to the Judge that issued me the license. He says there is no record kept of the petitions signed by the five citizens. All such papers are destroyed. I can get a form of the petition from the attorney that wrote it, if necessary, or I can find the five citizens that signed the petition."

After the rendition by the Choctaw and Chickasaw citizenship court of its decree denying the admission of Nancy J. Arms to citizenship in the Choctaw Nation, the Commission, on December 7, 1904, entered of record an order dismissing the application of John A. Osbirn for enrollment as a citizen by intermarriage of the Choctaw Nation for the reason that the right of Nancy J. Osbirn

(6)

(Nancy J. Arms) to citizenship in the Choctaw Nation had been adversely determined by a decree of the Choctaw and Chickasaw citizenship court, September 19, 1904, in case No. 52 on the Tishomingo docket of said court.

With the return of Mr. Osbirn's letter of April 15, 1905, I have the honor to transmit herewith for the information of the Department in the consideration of this matter, the record made before the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of John A. Osbirn as a citizen by intermarriage of the Choctaw Nation, the marriage license issued by Scott Hawkins, county and probate judge of Tishomingo county, Chickasaw Nation, on August 12, 1899, and the certificate of W. P. Skaggs to the marriage of J. A. Osbirn and N. J. Arms, on September 13, 1899.

Respectfully,

SIGNED *Tams Bixby.*
Chairman.

Through the Commissioner
of Indian Affairs.

MM 19/1

COPY.

Muskegee, Indian Territory, December 23, 1905.

John A. Osbirn,
Palmer, Indian Territory.

Dear Sir:

You are hereby advised that on December 16, 1905, the Secretary of the Interior approved the action of the Commission to the Five Civilized Tribes of December 7, 1904, in dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Your marriage license and certificate of your marriage with Nancy J. Arms is returned herewith.

Respectfully,

SIGNED *Tams Bixby.*

OP 23-5

Commissioner.

COPY.

Muskogee, Indian Territory, December 23, 1905.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

Under date of September 26, 1905, your office was furnished with a copy of Departmental letter of August 22, 1905, directing that, pending the consideration by the Department of an appeal in the matter of the application of John A. Osbirn for enrollment as a citizen by intermarriage of the Choctaw Nation, due care be taken that no deed be issued covering Mr. Osbirn's improved lands prior to the determination of his citizenship case. You were also directed to make a notation of the claim of Mr. Osbirn upon the records of your office and advise any other person who desired to select said land in allotment of Osbirn's claim thereto.

This office is now in receipt of Departmental letter of December 16, 1905, approving the action of the Commission to the Five Civilized Tribes of December 7, 1904, in dismissing the application of John A. Osbirn for enrollment as a citizen by intermarriage of the Choctaw Nation.

Any reservation made by your office or other proceedings taken in conformity with General Office instructions of September

(2)

26, 1905, for the protection of John A. Osbirn, are hereby resound-
ed.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

COPY.

Muskegee, Indian Territory, December 23, 1905.

Chief Clerk,
Chockaw Land Office,
Atoka, Indian Territory.

Dear Sir:

The Department on August 22, 1905, directed this office to take due care that no deed be issued covering the improved lands held by John A. Osborn, prior to the final determination of his citizenship case, which was then pending before the Department.

The name of John A. Osborn appears upon Chockaw roll card field number D-508, and on December 7, 1904, an order was entered of record by the Commission to the Five Civilized Tribes, dismissing his application for enrollment as a citizen by intermarriage of the Chockaw Nation.

I now enclose herewith for your information, copy of Departmental letter of December 16, 1905, accompanied by the reports of the Commissioner of Indian Affairs of September 16 and 23, 1905, approving the action of the Commission to the Five Civilized Tribes in dismissing the application of John A. Osborn for enrollment as a citizen by intermarriage of the Chockaw Nation.

If your office has made any reservation of land for Mr. Osborn in conformity with Departmental instructions of August 22, 1905, are taken any steps to protect any improvements belonging

(2)

to Mr. Osbirn in the Choctaw Nation, the same should now be res-
cinded.

Respectfully,

SIGNED *Jams Bixby.*
Commissioner.

OP 23-6

COPY.

Muskogee, Indian Territory, December 23, 1905.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith for your information, copy of Departmental letter of December 16, 1905, (I.T.D. 12234, 12524-1905) accompanied by the reports of the Commissioner of Indian Affairs of September 16 and 23, 1905, approving the action of the Commission to the Five Civilized Tribes of December 7, 1904, in dismissing the application for the enrollment of John A. Osbirn as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED *Tamc Dixby.*

Commissioner.

OP 23-7

COPY.

Muskogee, Indian Territory, December 23, 1905.

Cruce, Cruce & Bleakmore,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:

I enclose herewith for your information, copy of Departmental letter of December 16, 1905, approving the action of the Commission to the Five Civilized Tribes of December 7, 1904, in dismissing the application of John A. Osbirn for enrollment as a citizen by intermarriage of the Choctaw Nation, with the reports of the Commissioner of Indian Affairs of September 16 and 23, 1905, in reference to said case.

Respectfully,

SIGNED *Tamc Dixby.*
Commissioner.

OP 23-6

COPY.

Wuskegee, Indian Territory, December 27, 1905.

Chief Clerk,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 22nd enclosing two copies of the testimony of John A. Osbirn of December 21, 1905, with plats attached thereto, showing the location of certain lands in the Chickasaw Nation which Osbirn desired to be reserved for his benefit under Departmental instructions of August 22, 1905 (I.T.D. 7391-1905) until the final determination of his right to enrollment as a citizen by intermarriage of the Choctaw Nation.

The papers transmitted with your letter are herewith returned and your attention is invited to General Office letter of December 23, 1905, in which you were advised that the Department on December 16, 1905, approved the action of the Commission to the Five Civilized Tribes of December 7, 1904, in dismissing the application of John A. Osbirn for enrollment as a citizen by intermarriage of the Choctaw Nation.

The citizenship case of Mr. Osbirn having been finally determined by the Department, no record should be made by your

(2)

office of the land designated by him on December 21, 1905, and which he desired be reserved for his use and benefit.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

OP 27-5

MEMORANDA.

(Date) Dec 1 1899.

Name John

Choctaw? yes County Chick Year 1898 No. 1

Chickasaw? yes County Chick Year 1898 Page 1

Citizen by blood? yes Mother's citizenship U.S.

Intermarried citizen? yes

Married under what law? Chick

License filed this day, yes

Wife's name, John

Choctaw? yes County Chick Year 1898 No. 1

Chickasaw? yes County Chick Year 1898 Page 1

Citizen by blood? yes Mother's citizenship U.S.

Intermarried citizen? yes

Married under what law? Chick

License filed this day yes

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

Dec 1
Querry
of man
test
1898

CHOCTAW

5.

509

Osa Nichols

transferred to Choctaw
no. 6228.

Aug 13, 1906.

D. 510

Beverly C. Munkue.

Record transferred to
Chetaco card #4829

D.511

Peter Wright.

Record transferred to
Chestnut card #4846

Choc D 512 Dora J. Smith

D 512

Dona J. Smith

REFUSED JAN 23 1907

COPY OF DECISION FORWARDED
APPLICANT JAN 23 1907

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT JAN 23 1907

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT JAN 23 1907
CHICKASAW NATIONS, OKLAHOMA

RECORD FORWARDED DEPARTMENT.
JAN 23 1907

ACTION APPROVED BY
SECRETARY

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHICKASAW
AND CHICKASAW NATIONS. APR 11 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHICKASAW
AND CHICKASAW NATIONS. APR 11 1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APR 11 1907

REFER IN REPLY TO THE FOLLOWING:

Choctaw D-512.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 4, 1902.

Dora J. Smith,

Eagletown, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 12, 1902.

:::::::::::::::::::::::::::::::::::::
:: In the matter of the application ::
:: of Dora J. Smith for enrollment as ::
:: a citizen by blood of the Choctaw ::
:: Nation. ::
:::::::::::::::::::::::::::::::::::::

D-512.

On the 4th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Dora J. Smith for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 12th day of April, 1902, for final consideration.

Now on this 12th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant being called, failed to appear either in person or by attorney.

----- ; -----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 12, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 14 day of April, 1902.

Hal Belford
Charles H. Hallwood
Notary Public.

Commission to the Five Civilized Tribes,
Tushkahoma, Indian Territory.

October 10, 1899.

In the enrollment of Dora J. Smith as a Choctaw; Marshall A. Davis being sworn and examined by Com'r McKennon states:

- Q What is your name? A Marshall A. Davis.
- Q How old are you? A Twenty-seven.
- Q Do you know Dora J. Smith? A Yes, sir.
- Q How old is she? A Fourteen years old.
- Q What relation is she to you? A She is my neice.
- Q Her mother was your sister? A Yes, sir.
- Q What was her mother's name? A Her mother's name was Emily Davis.
- Q You are a recognized Choctaw citizen? A Yes, sir.
- Q Your sister was also a recognized Choctaw citizen? A Yes, sir, so far as I know; when she died I was small.
- Q Have you been admitted since her death, or were you always recognized? A Always recognized.
- Q You were born here as a citizen? A Yes, sir.
- Q Was she born here in the Territory? A Yes, sir, she was born in Eagle County.
- Q You were never admitted by the Council? A No, sir.
- Q You were born and raised as a citizen, and always recognized as such? A Yes, sir.
- Q Dora J. is the daughter of that sister of yours?
- Q Yes, sir.
- Com'r McKennon: We don't find the name of Dora J. Smith on any of the rolls; can you make any explanation why?
- A No, sir, I cannot.
- Q Her mother died when she was how old? A She was about three days old.
- Q Was her father a white man? A Yes, sir.
- Q What became of him? A He is dead; he has been dead about

(Dora J. Smith- Marshall A. Davis witness- #2).

five years.

Q Did he take care of this child while he was living?

A No, sir.

Q She then has been an orphan and no one to look after her specially? A Yes, sir, well her grandfather and grandmother on her father's side have taken care of her.

Q They were not citizens? A No, sir.

Q They gave I suppose no attention to her enrollment then?

A They haven't only this time, they went to Alikohi to enroll, and they wouldn't hear them.

Q Before the Dawes Commission at Alikohi? A Yes, sir.

Q She was taken by these white people over to Arkansas?

A Yes, sir.

Q And she has lived there until about two years ago? A Yes, sir.

Q And she returned to the Territory two years ago? A Yes, sir.

Q Has she been living here all the while since? A Yes, sir.

Q Where is she now? A She lives on Cane Creek in Eagle County.

Q Is she in Arkansas or in the Territory now? A No, she is right across the line, in the Territory.

Department of the Interior, Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green.

Lenora B. Ashton, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and complete copy of the original transcript.

Lenora B. Ashton.

Subscribed and sworn to before me this 16th day of December, 1905.

Myron White,
Notary Public.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Dora J. Smith as a citizen by blood of the Choctaw Nation, Choctaw
Field No. D-512.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Julia London, et al., vs. Choctaw and Chickasaw Nations, No. 55 on the South McAlester Docket, in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the third or the 14th articles of the treaty of 1830 was necessary in order to be entitled to enrollment and to participation in the distribution of tribal property of the Choctaws and Chickasaws; which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

7-D-512.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Dora J. Smith as a citizen by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on October 10, 1899, Marshall A. Davis appeared before the Commission to the Five Civilized Tribes at Tushkahomma, Indian Territory, and made application for the enrollment of Dora J. Smith as a citizen by blood of the Choctaw Nation.

The evidence in this case shows that said applicant was born in the Choctaw Nation in 1885, and is the daughter of Jane Smith, a Choctaw Indian, and Jasper Smith, a white man. Said evidence further shows that after the death of her mother in 1885, the applicant was taken to the state of Arkansas where she resided until 1897, when she returned to the Choctaw Nation.

It does not appear from the evidence submitted in support of said application, or from the records in the possession of this office, that said applicant or her mother, Jane Smith, has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

I am therefore of the opinion that the application made for the enrollment of Dora J. Smith as a citizen by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

W. A. DAVIS

7-D-512.

COPY

Muskegee, Indian Territory, January 23, 1907.

Dora J. Smiley (Smith)

Heavener, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application for the enrollment of Dora J. Smith as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED: *James H. ...*

Commissioner.

Registered.

Incl. 7D-512.

7-D-512.

Muskogee, Indian Territory, January 23, 1907.

Marshall A Davis,

Page, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application for the enrollment of Dora J Smith as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Commissioner.

Incl. 7-D-512.

Registered.

7-D-512.

COPY

Muskogee, Indian Territory, January 23, 1907.

E.W. Moore,

Heavener, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, rendered a decision on January 23, 1907, denying the application for the enrollment of Dora J. Smith as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tame Dixby
Commissioner.

Registered.

Incl. 7-D-512.

7-D-512.

Muskogee, Indian Territory, January 23, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 23, 1907, denying the application for the enrollment of Dora J Smith as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

W. J. Tamm

Commissioner.

Incl. 7-D-512.

CO.

Muskogee, Indian Territory, January 23, 1907.

The Honorable,

The Secretary of the Interior:

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Dora J. Smith as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 23, 1907, denying said application.

Respectfully,

James H. H. H. H.

Commissioner.

2 Incl.
7-D-512.

Through the
Commissioner of Indian Affairs.

D.C. 12432.

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.

4990, 5020, 5024, 5088, 5090-07.
5092, 5110, 5116, 5118, 5178- "

February 28, 1907.

LRS.

Direct.

Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases
adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Alfred Pyburn,	January 9, 1907.
Frankie Buck,	January 9, 1907.
Arizona Pearl Sanders,	January 9, 1907.
Esther J. Buchanan,	January 16, 1907.
James O. Rumley,	December 1, 1906.
Jackson R. Lewis,	December 1, 1906.
Dora J. Smith,	January 23, 1907.
Mary Fitch	January 14, 1907.
Jeff Sampson	January 21, 1907.
Allen Wright, (Freedman)	January 23, 1907.

Copies of Indian Office letters submitting your reports and
recommending that the decisions be affirmed, are inclosed.

A copy hereof and all the papers in the above-mentioned
cases have been sent to the Indian Office.

, Respectfully,

Jesse E. Wilson,

10 inc. and 20 for Ind. Of.

Assistant Secretary.

AFMc.
3-1-07.

Refer in reply to the following.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land.

8461-1907.

WASHINGTON. February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Dora J. Smith as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes dated January 23, 1907, adverse to the applicant.

The record shows that on October 10, 1899, Marshall A. Davis appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Dora J. Smith as a citizen of the Choctaw Nation.

The evidence shows that the applicant was born in the Choctaw Nation in the year 1885, and is the daughter of Jane Smith, a Choctaw citizen, and Jasper Smith, a white man,

The evidence further shows that after the death of her mother in 1885, the applicant was taken to the State of Arkansas, where she resided until 1897, when she returned to the Choctaw Nation.

Commissioner Wixby reports that it does not appear from the records of his office that the applicant or her mother, Jane Smith, has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat. L., 321).

Therefore, by reason of the provisions of the Act of Congress approved June 28, 1898 (30 Stat. L., 495), the Office concurs in the decision of Commissioner Bixby denying the enrollment of Dera J. Smith as a citizen of the Choctaw Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KBW.Ph.

7-D-512

Muskogee, Indian Territory, April 11, 1907.

Dora J. Smiley (Smith),
Heavener, Indian Territory.

Dear Madam:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 23, 1907, denying the application for the enrollment of Dora J. Smith as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers

TING Commissioner.

7-D-512

Muskogee, Indian Territory, April 11, 1907.

Marshall A. Davis,

Page, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 23, 1907, denying the application for the enrollment of Dora J. Smith as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

7-D-512

Muskogee, Indian Territory, April 11, 1907.

E. W. Moore,

Heavener, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 23, 1907, denying the application for the enrollment of Dora J. Smith as a citizen by blood of the Choctaw Nation.

Respectfully,

G. O. Rodgers

AG. IND. Commissioner.

7-D-512

Muskogee, Indian Territory, April 11, 1907.

Vansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 23, 1907, denying the application for the enrollment of Dora J. Smith as a citizen by blood of the Choctaw Nation.

Respectfully,

ACTING Commissioner.

COMMISSIONERS
HENRY L. DAWES
TAMM SIGBY
THOMAS B. NEEDLES
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muscogee, Indian Territory,

August 18th, 1900.

Dora J. Smith,

Agletown, Indian Territory,

Dear Miss:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

James B. Smith
Acting Chairman.

7-D-512a.

COMMISSIONERS
HARRY L. DAVIS
TAMM BIRDY
THOMAS B. NEEDLES
C. W. BRIDGEMAN
ALLISON L. AVLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

ALLEN A. BELL H. F. FLEMING

Choctaw D-512.

Muskogee, Indian Territory, March 4, 1902.

Dora J. Smith,

Eagletown, Indian Territory.

You are hereby notified that the application of yourself

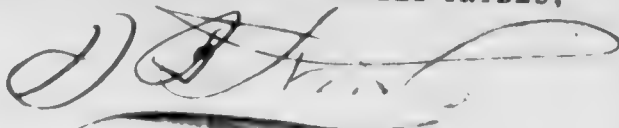
for enrollment as ^a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Register.



Commissioner in Charge.

7-3 512

Muskogee, Indian Territory, November 19, 1903.

Dora Jane Smith,
o/o Jeff Davis,
Fort Towson, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 13, in which you ask if your name is on the roll.

In reply to your letter you are informed that the Commission has not yet passed upon your application for enrollment as a citizen by blood of the Cheetaw Nation. As soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D 512

ALLISON L. AVLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 10, 1904.


Dora J. Smith,

Fort Towson, Indian Territory,

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by blood of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,



Commissioner in Charge.


Choctaw 512.

Muskogee, Indian Territory, August 13, 1904.

Marshall A. Davis,

Page, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 7, regarding the application of Dora Jane Smith for enrollment as a citizen of the Choctaw Nation.

In reply to your letter, you are informed that the Commission has not yet passed upon the application of Dora J. Smith for enrollment as a citizen by blood of the Choctaw Nation, and it is suggested that testimony relative to her right to enrollment as such citizen be introduced either at the Choctaw Land Office, Atoka, Indian Territory, September 6 and 7, or at the Chickasaw Land Office, Tishomingo, Indian Territory, September 8 and 9, 1904. The testimony of such witnesses as may be presented in her case at either of these appointments will be heard by the Commission.

Respectfully,

Commissioner in Charge.

7-D-512.

Muskogee, Indian Territory, August 16, 1904.

Dora J. Smith,

Fort Towson, Indian Territory,

Dear Madam:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

7-D-512.

Muskogee, Indian Territory, May 25, 1905.

Dora J. Smiley (Smith),

Box 113,

Heavener, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of May 20, referring to your right to enrollment as a citizen by blood of the Choctaw Nation, and stating that you are a niece of Burk, Marshall A. and Joe Davis whose names are now on the approved roll and that you do not understand why you are not also enrolled.

In reply to your letter you are advised that the Commission has not yet passed upon your application for enrollment as a citizen by blood of the Choctaw Nation, but it is now passing upon all applications pending before it as rapidly as practicable, and when a decision is reached in your case you will be notified of the action taken therein.

It is noted that you say you have two children, Joseph N. Smiley, born September 1, 1902, and Willie D. Smiley, born July 29, 1904, and you are advised that it does not appear from our records that application has been made to this Commission for the enrollment of these two children.

Respectfully,

Chairman:

Muskogee, Indian Territory, June 8, 1905.

Dora J. Smiley, (Smith)

Pox 113,

Heavener, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of May 30, 1905, in which you state that you were waiting in the matter of the enrollment of your children Joseph N. and Willie Smiley, thinking if you were enrolled you could then made application for their enrollment.

In reply to your letter you are informed that it does not appear from our records that an application has been made to this Commission for the enrollment of your children Joseph N. and Willie Smiley and under existing legislation the Commission is without authority to receive or consider an application in their behalf.

Respectfully,

Chairman.

7-D-512

Muskogee, Indian Territory, August 7, 1905.

Dora J. Smith (Smiley),

Heavener, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 31, 1905, asking for an early decision in your case.

In reply to your letter you are advised that when a decision is reached in the matter of your application for enrollment as a citizen by blood of the Choctaw Nation, copy thereof will be forwarded you.

Respectfully,

Commissioner.

7-D-812

Muskogee, Indian Territory, October 16, 1905.

E. W. Moore,

Heavener, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 12, 1905, asking the status of the application for the enrollment of Dora J. Smith as a citizen by blood of the Choctaw Nation.

In reply to your letter you are advised that no action has yet been taken in the matter of the application of Dora J. Smith as a citizen by blood of the Choctaw Nation. In event further evidence is necessary to enable this office to determine her right to enrollment she will be duly notified.

Respectfully,

Commissioner.

7-D-512

Muskogee, Indian Territory, October 19, 1905

Dora J. Smiley, (Smith),

Box 113,

Heavener, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 11, 1905, stating that your mother is a sister of Burk Marshall and Joe Davis and your case has been pending before this office for four or five years; you therefore ask for an early decision.

In reply to your letter you are advised that the matter of your application for enrollment as a citizen by blood of the Choctaw Nation will be taken up for consideration and examination as early as practicable and when a decision is reached you will be notified of the action taken therein.

Respectfully,

Commissioner.

7-D-512

Muskogee, Indian Territory, October 21, 1905.

Dora J. Smiley (Smith),

Box 113,

Heavener, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 11, 1905, stating that your mother is a sister of Burk, Marshall and Joe Davis and your case has been pending before this office for four or five years; you therefore ask for an early decision.

In reply to your letter you are advised that the matter of your application for enrollment as a citizen by blood of the Choctaw Nation will be taken up for consideration and determination as early as practicable and when a decision is reached you will be notified of the action taken therein.

Respectfully,

Commissioner.

1
REFER IN REPLY TO THE FOLLOWING:

7-D-512

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 15, 1905.

Dora J. Smith, (Smiley),
Heavener, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of December 8, 1905, asking the status of your application for enrollment as a citizen of the Choctaw Nation.

In reply to your letter you are advised that your application for enrollment as a citizen by blood of the Choctaw Nation is now receiving consideration and as soon as a decision is reached you will be notified of the action taken therein.

Respectfully,



Commissioner.

D.C. 12438.

J.P.

I.T.D.
4990, 5020, 5024, 5088, 5090-07.
5092, 5110, 5116, 5118, 5178- "

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

February 28, 1907.

LRS.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases
adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Alfred Pyburn,	January 9, 1907.
Frankie Buck,	January 9, 1907.
Arizona Pearl Sanders,	January 9, 1907.
Esther J. Buchanan,	January 16, 1907.
James O. Rumley,	December 1, 1906.
Jackson R. Lewis,	December 1, 1906.
Dora J. Smith,	January 23, 1907.
Mary Fitch	January 14, 1907.
Jeff Sampson	January 21, 1907.
Allen Wright, (Freedman)	January 23, 1907.

Copies of Indian Office letters submitting your reports and
recommending that the decisions be affirmed, are inclosed.

A copy hereof and all the papers in the above-mentioned
cases have been sent to the Indian Office.

, Respectfully,

Jesse E. Wilson,

10 inc. and 20 for Ind. Of.

Assistant Secretary.

AFMc.
3-1-07.

Refer in reply to the following.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land.
8461-1907.

WASHINGTON. February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Dora J. Smith as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes dated January 23, 1907, adverse to the applicant.

The record shows that on October 10, 1899, Marshall A. Davis appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Dora J. Smith as a citizen of the Choctaw Nation.

The evidence shows that the applicant was born in the Choctaw Nation in the year 1885, and is the daughter of Jane Smith, a Choctaw citizen, and Jasper Smith, a white man,

The evidence further shows that after the death of her mother in 1885, the applicant was taken to the State of Arkansas, where she resided until 1897, when she returned to the Choctaw Nation.

Commissioner Bixby reports that it does not appear from the records of his office that the applicant or her mother, Jane Smith, has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat. L., 321).

Therefore, by reason of the provisions of the Act of Congress approved June 28, 1898 (30 Stat. L., 495), the Office concurs in the decision of Commissioner Bixby denying the enrollment of Dora J. Smith as a citizen of the Choctaw Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KRM.Ph.

7-D-512

Muskogee, Indian Territory, March 27, 1907.

George L. Smiley,
Weeks, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 14, 1907, giving information relative to the identity of Dora J. Smiley; you state she was enrolled at Sulphur Springs under the name of Dora Jane Smiley.

In reply to your letter you are advised that on January 23, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Dora J. Smith as a citizen by blood of the Choctaw Nation, and on the same date the record in this case was forwarded to the Secretary of the Interior. You will be notified of such action as is taken therein by the Department.

Respectfully,

Acting Commissioner.

MEMORANDA.

(Date) 1899.

Name

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name,

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children :

WC
14 Lucy County Year Page No.
..... County Year Page No.
..... County Year Page No.
..... County Year Page No.
..... County Year Page No.
..... County Year Page No.
..... County Year Page No.
..... County Year Page No.
..... County Year Page No.
..... County Year Page No.

2512

Land
8461-1907.

**DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.**

February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Dora J. Smith as a citizen of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes dated January 23, 1907, adverse to the applicant.

The record shows that on October 10, 1899, Marshall A. Davis appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Dora J. Smith as a citizen of the Choctaw Nation.

The evidence shows that the applicant was born in the Choctaw Nation in the year 1885, and is the daughter of Jane Smith, a Choctaw citizen, and Jasper Smith, a white man.

The evidence further shows that after the death of her mother in 1885, the applicant was taken to the State of Arkansas, where she resided until 1897, when she returned to the Choctaw Nation.

Commissioner Bixby reports that it does not appear from the records of his office that the applicant or her mother, Jane Smith, has ever been enrolled by the Choctaw tribal

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Shoe BB.

D-512.

authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat. L., 321).

Therefore, by reason of the provisions of the Act of Congress approved June 28, 1898 (30 Stat. L., 495), the Office concurs in the decision of Commissioner Bixby denying the enrollment of Dora J. Smith as a citizen of the Choctaw Nation.

Very respectfully,

C. F. LARRABEE

Acting Commissioner.

MEM. Ph.

Choc DS13 Edna S. Krebs

DS13

D 515

Edna L. Krebs et al

DECISION RENDERED JUL 19 1904

GRANTED

COPY OF DECISION FORWARDED
APPLICANT

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS JUL 19 1904

DECISION RENDERED

REFUSED

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

COPY OF DECISION FORWARDED
APPLICANT

RECORD FORWARDED

ACTION APPROVED BY
SECRETARY OF INTERIOR

OCT 27 1905

JAN 26 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

FEB 5 - 1906

FEB 11 1906

Commission to the Five Civilized Tribes.

Tushkahoma, Indian Territory.

October 11, 1899.

In the enrollment of Edna L. Krebs and child, Pushmataha Dobbs, and brother, John R. Krebs as Choctaws; Edna L. Krebs being sworn and examined by Com'r McKennon testifies as follows:

- Q. What is your name? A. Edna L. Krebs.
- Q. How old are you? A. Twenty-one.
- Q. What was your father's name? A. Edmond F. Krebs.
- Q. Was he a Choctaw citizen? A. Yes sir.
- Q. Is he living or dead? A. He is dead.
- Q. What was your mother's name? A. Theresa C. Krebs.
- Q. She living? A. Yes sir.
- Q. What is she? A. She is a Cherokee.
- Q. Where is she now living? A. Eight miles east of Vinita.
- Q. Where are you living? A. With her.
- Q. That is in the Cherokee Nation? A. Yes sir.
- Q. How long have you been living in the Cherokee Nation? A. I don't know what time it was when we first went there, but we have been living there entirely, I have, since 1897; I went up there and staid with Mr. Cheadle at Canadian in the Choctaw Nation for awhile, but I have been in the Cherokee Nation ever since April, 1897, and haven't been back here until Monday.
- Q. Are your mother and her children enrolled on the Cherokee rolls? A. There are only two of us children.
- Q. Are you on the Cherokee rolls? A. She enrolled on the Cherokee rolls the last enrollment, but I don't know whether she enrolled us or not; I know I was of age, and enrolled down here.
- Q. Did you draw the Strip money in 1893? A. Yes sir, she drew it for me.

- Q. Has your mother been recognized as a Cherokee citizen all of her life? A. When she was married she moved down here and was here seventeen or eighteen years, and had to go back and be re-admitted; she was thirty years old when she married, and had been living in the Cherokee Nation all her life, and was recognized there as a Cherokee; then she moved down here, and I don't know what year it was she moved back, but it was after my father's death that we went back to stay.
- Q. When was it she was re-admitted there? A. I don't remember the year.
- Q. About what time? A. It was before my brother was born, and he was born in 1888.
- Q. How long before your brother was born? A. I don't remember, but it was a year or two.
-

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green.

REFER IN REPLY TO THE FOLLOWING:

Choctaw D-513.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

C O P Y.

Muskogee, Indian Territory, March 4, 1902.

Edna L. Krebs,

Vinita, Indian Territory.

You are hereby notified that the application of yourself, your minor son, Rushmataha Dobbs and your brother, John R. Krebs, for enrollment as citizens of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th. day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

Register.

(Signed) T. B. Needles.
Commissioner in Charge.

Department of the Interior.
 Commission to the Five Civilized Tribes.
 Muskogee, Indian Territory, April 12, 1902.

.....
 :: In the matter of the application ::
 :: of Edna L. Krebs for the enrollment ::
 :: of herself, her minor child, Pushma- ::
 :: taha Dobbs, and her minor brother, ::
 :: John R. Krebs as citizens by blood ::
 :: of the Choctaw Nation. ::

D-513.

On the 4th day of March, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail, that the application of Edna L. Krebs for the enrollment of herself, her minor child and her minor brother as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory on the 12th day of April, 1902, for final consideration.

Now on this 12th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicants being called, failed to appear either in person or by attorney.

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 12, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 14 day of April, 1902.

Charles Mitchell Wood

Notary Public.

C O P Y.

Vinita, Indian Territory, April 20, 1905.

Commission to the Five Civilized Tribes,

S I R S:

I am in receipt of yours of the 11th inst., notifying me to appear at your office on the 4th of May.

Now, I shall send you a description of my land and improvements, and I am not able to go down. I have only one minor to file for. My son John Richard Krebs, 17 years old.

My land lies in Sec. 35, Township 25 N., Range 21 East. I have 160 which is SE4 of the above described Sec. I hold for myself the S half of SE4 of Sec. 35, Township 25 N., Range 21 E.

My improvements consist of two 2 room houses, barn, fencing around all but 16, a 33 bearing apple trees, 150 2 year old apples, 50 peach trees, 25 plums, 25 grapes, 6 pears, 40 a. in cultivation, 40 is raw land, too rocky and hilly to ever be put in cultivation, except little patches on the branch, no patch of land in one body as much as an acre that can ever be cultivated. The 10 acres in the S.E. corner being a complete white hill of rocks, and the ledge of rocks runs clear across the east end of the whole quarter section. The S 1/2 of the SW 1/2 of my allotment is also hilly -- sand rocks and shells, nothing grows on a part of it except prickly pears. I want for my homestead the houses and orchard and spring, which is the north half of the SE 1/2 of the SW 1/4 of Sec. 35, Township 25 N., Range 21 E., or as much as constitutes a homestead beginning east.

J. R. Krebs' allotment is the N 1/2 of the SE 1/4 of Sec. 35, Township 25 N., Range 21 E., 45 acres in cultivation. No other improvements. His 80 is under fence. I want for his homestead the S 1/2 of the N 1/2 of the SE 1/4 of Sec. 35, Township 25 N., Range 21 E., or as much of it as constitutes a homestead, beginning east.

--2--

Gentlemen I should have gone to file long ago, but I am not able to go for the want of money to pay my expenses. I am 60 years old; have owned this place 17 years.

I have selected no fractions, as I could not get around to find any 50 C. land. I am lame and have no one to do anything for me but my boy. He is making a crop.

If I can raise the money, I will be at the Land Office at Tahlequah on the 4 of May.

If not, this is the best I can do.

Respectfully,

(Sig) Theresa C. Krebs.

Copy.

Tahlequah, Indian Territory, September 18, 1905.

Commissioner to the Five Civilized Tribes,
Chickasaw- Choctaw Enrollment Division,
Muskogee, Indian Territory.

Dear Sir:

As requested in your letter of September 15, I have the honor to advise that John R. Krebs, whose name appears opposite roll No. 21681 upon the list of persons entitled to enrollment as citizens by blood of the Cherokee Nation, was allotted arbitrarily on May 12, 1905.

This allotment, however, while arbitrary in form, was made upon the request of Theresa Krebs, who appears as the mother of John R. Krebs; a copy of which request is inclosed herewith.

Respectfully,

W.H.D. Moore,
Chief Clerk,
Cherokee Land Office.

GWF-52.

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COMMISSIONER

SEP 21 1900

Department of the Interior,
Commission to the Five Civilized Tribes,
Wita, I.T., September 21, 1900.

In the letter of the solicitation of Florence Caroline King for the enrollment of herself and one child, there is a statement being sworn and examined by Commissioner Fred Corbridge, who testified as follows:

Q What is your full name? A Theresa Caroline Krebs.
Q How old are you? A 55.
Q What is your post office? A Vinito.
Q In what district do you live? A I lived in Delaware dist. det.
Q Who is it you want to have put on the roll? A Myself and family.
Q Your husband? A My husband is dead.
Q How many children? A Two children and one grandchild.
Q Are you a Cherokee by blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I lived ten years in the Choctaw Nation, with the exception of that I have lived all my life in the Cherokee Nation.
Q That ten years was that, how long ago? A I arrived at Choctaw in 1875.
Q Have you lived in the Cherokee Nation in the last twenty years?
A No, sir, I moved back to the Cherokee Nation in 1893, and before
the I lived backward and forward, I was Cherokee until he was a
Choctaw.
Q Are you on the roll of 1880? A I don't know whether I am or
not.
Q What was your name before you were married? A Griffin.
Q When were you married to your husband, Krebs? A October 7,
1875.
Q When did he die? A He died December 9, 1893.
Q What was his full name? A Edmund F. Krebs.
Q Was he a Choctaw was he? A Yes, sir.
Q You have never remarried since he died? A No, sir.
Q What are the names of your children? A Edna Lore, 21 years
old.
Q She must apply for herself.
A Well, my boy is 12 years old, named John Richard.
Q He is living now is he? A Yes, sir.
Q What district were you in in 1880? A I expect I was in the
Choctaw Nation, if I was here I was in the Illinois district. I
was admitted by the Cherokee Council in 1886.
Q Have you got your certificate of re-admission? A No, sir, it
is on the rolls though.
(On 1886 roll, pp. 491, No. 1712, Theresa C. Krebs, Delaware dist.
John Richard Krebs on 1886 roll, pp. 491, No. 1714, John R.
Krebs, Delaware district.)
Q You have lived in the Cherokee Nation ever since you were ad-
mitted in 1886? A I would go back in the winter in the Choctaw
Nation, we had a home there and had one born.
Q You have been absent from the Cherokee while? A Yes, sir.
Q Where have you gone to since you left the Cherokee? A I went
to the Chickasaw Nation you see, so in 1886, I was in that
by mistake at Oklahoma.

Q I have two more questions, first, I will ask you about your son and one
child. Now, I want to know whether you were ever married again after the death of your husband, Edmund F. Krebs, who died in 1893, by the Cherokee Council in 1886. I want to know whether you were ever married again between 1886 and 1893. If you were, please state the date and occasionally give me the name of the person. If not, please say so. It does not matter

Thomas J. Jones

have been very recent in connection of the above mentioned. He is required to furnish the following with an original copy of the record in 1886, and at present has no other copy of the record placed upon the roll of 1886. He calls, John J. Jones, the identification with him on the roll of 1886. He is living at the time and is willing to furnish the original bill of the record. He is also, to wait for further information required in the case. He is shown to have been in the period that was said to have been a resident of the above mentioned.

-----0-----

Thomas J. Jones, being duly sworn, deposes that he is a resident to the above mentioned. He is willing to furnish the original copy of the record in 1886, and at present has no other copy of the record placed upon the roll of 1886. He calls, John J. Jones, the identification with him on the roll of 1886. He is living at the time and is willing to furnish the original bill of the record. He is also, to wait for further information required in the case. He is shown to have been in the period that was said to have been a resident of the above mentioned.

Thomas J. Jones

Sworn to and subscribed before me this the 21st of September, 1900.

C. M. Jones
Commissioner.

7-D-513.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of John R. Krebs as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the census card record in this case that on October 11, 1899, Edna L. Krebs appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself, her son, Pushmataha Dobbs, and her brother, John R. Krebs (12 years of age), as citizens by blood of the Choctaw Nation. The rights of Edna L. Krebs and Pushmataha Dobbs have heretofore been determined, their names appearing as Nos. 15626 and 15627, respectively, upon the lists prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior on September 22, 1904..

It further appears from the record herein that the applicant, John R. Krebs, who is identified upon the 1896 Choctaw Census Roll, Tobuckay County, No. 7496, is a son of Edmond F. Krebs, deceased, a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified upon the 1885 Choctaw Census Roll, Tobuckay County, No. 1, and also upon the 1893 Choctaw Leased District Payment Roll, Gaines County, No. 319, and Theresa C. Krebs, a recognized and enrolled citizen by blood of the Cherokee Nation, whose name appears as No. 21680 upon a list prepared by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Cherokee Nation, and approved by the Secretary of the Interior on December 23, 1902.

It further appears from the record herein that on September 21, 1900, application was made for the enrollment of said John R. Krebs as a citizen by blood of the Cherokee Nation.

It further appears from the records of this office that the applicant has heretofore been enrolled as a citizen by blood of the Cherokee Nation, his name appearing as No. 21681 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 716), of persons entitled to enrollment as citizens by blood of the Cherokee Nation, and approved by the Secretary of the Interior on December 23, 1902.

It further appears from the record herein that on April

--2--

20, 1905, Theresa C. Krebs addressed a communication to the Commission to the Five Civilized Tribes, requesting that certain lands in the Cherokee Nation be allotted to her son, John R. Krebs; and that thereafter, on May 12, 1905, said Commission, acting in accordance with said request, arbitrarily allotted the lands therein specified to the said John R. Krebs.

I am, therefore, of the opinion that the application made for the enrollment of John R. Krebs as a citizen by blood of the Choctaw Nation, should be denied, under the provisions of the Act of Congress approved June 25, 1898 (30 Stats., 495), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

OCT 27 1905

7-D-513

Muskogee, Indian Territory, October 27, 1905.

John R. Krebs,

Cleora, Indian Territory,

Dear Sir:

I inclose herewith copy of my decision of this date denying your application for enrollment as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

J. A. [unclear]

Registered.

Commissioner.

Incl. 7-D 513

7-D-513

Muskogee, Indian Territory, October 27, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

I inclose you herewith copy of my decision of this date denying the application for the enrollment of John R. Krebs as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Sam. G. Phillips

Commissioner.

Incl. 7-D-513.

Muskogee, Indian Territory, October 27, 1905.

COPY.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of John R. Krebs for enrollment as a citizen by blood of the Choctaw Nation, including my decision of October 27, 1905, denying said application.

Respectfully,

SIGNED

James Bixby

2 Incl. 7-D-513.

Commissioner.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

G.R.

D.C. 4089-1906.

LLB

I T D 15512-1905.

January 26, 1906.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 27, 1905, you transmitted the record in the matter of the application for the enrollment of John R. Krebs as a citizen by blood of the Choctaw Nation, including your decision of same date denying said application.

November 16, 1905, the Acting Commissioner of Indian Affairs reporting thereon recommends that your decision be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision dated October 27, 1905, denying the application for the enrollment of John R. Krebs as a citizen by blood of the Choctaw Nation is hereby affirmed.

Respectfully,

1 inclosure.

THOS. RYAN,
First Assistant Secretary.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. November 16, 1905.

Land.
87848-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 27, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Choctaw Nation, of John R. Krebs. October 27, 1905, the Commissioner decided adversely to the applicant.

The record shows that the applicant is a son of Edmond F. Krebs, deceased, a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified upon the 1885 Choctaw Census Roll and also upon the 1893 Choctaw Leased District Payment Roll, and Theresa C. Krebs, a recognized and enrolled citizen by blood of the Cherokee Nation, whose name appears at No. 21680 upon a list of citizens by blood of the Cherokee Nation, approved by the Department December 23, 1902. It further appears that the applicant has heretofore been enrolled as a citizen by blood of the Cherokee Nation, his name appearing at No. 21681 of a list of citizens by blood of the Cherokee Nation, approved by the Department December 23, 1902.

It is further shown that on May 12, 1905, the Commission to the Five Civilized Tribes, at the request of the

-2-

mother of this minor claimant, did arbitrarily allot lands in the Cherokee Nation to the applicant.

In view of the record the approval of the Commissioner's decision adverse to the applicant is recommended.

Respectfully,

MDL-Y

Acting Commissioner.

7-D-513

Muskogee, Indian Territory, February 8, 1906.

John R. Krebs,

Cleora, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of January 26, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 27, 1905, denying the application for your enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Acting Commissioner.

7-D-513

Muskogee, Indian Territory, February 5, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

You are hereby notified that the Secretary of the Interior under date of January 26, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 27, 1905, denying the application for the enrollment of John R. Krebs as a citizen by blood of the Choctaw Nation.

Respectfully,

Acting Commissioner.

Muscogee, Indian Territory,

August 18th, 1900.

Edna L. Krebs,

Vinita, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, Mc Murray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Pushmataha Dobbs and John P. Krebs as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-513.

Muskogee, Indian Territory, September 15, 1900.

Edna L. Krebs,

Vinita, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised, is as to your Cherokee blood.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

Choctaw D 513

Muskogee, Indian Territory, January 22, 1903.

L. W. Trout,

Cleora, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 4, in behalf of Lora E. Krebs, stating that she desires to be enrolled as a citizen of the Choctaw Nation.

In reply to your letter you are advised that if Lora E. Krebs is unable to appear in person before the Commission to elect to be enrolled in the Choctaw or Cherokee Nation, she should forward an affidavit properly acknowledged before a Notary Public, stating whether she desires to be enrolled and receive distribution of lands and money in the Choctaw or Cherokee Nation.

Respectfully,

V-D-418

Muskogee, Indian Territory, May 20, 1903.

Laura E. Krebs,

Cleora, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit, stating that you desire to be enrolled as a citizen of the Choctaw Nation, and same has been duly filed with the records of the Commission in the matter of your application for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Chairman.

COMMISSIONERS
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee #9574.

ALLISON L. AYLESWORTH,
SECRETARY
ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 13, 1903.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

In reply to your verbal inquiry as to the status of Theresa C. Krebs and her son, John R. Krebs, as Cherokee citizens, you are advised that the Commission's records show that these applicants were listed for enrollment on Cherokee Card D 82 as citizens by blood of the Cherokee Nation, on September 21, 1900; that on May 20, 1902, the Commission rendered a decision granting the enrollment of these parties.

You are further advised that their names appear upon the final roll of citizens by blood of the Cherokee Nation opposite numbers 21680 and 21681, which roll was approved by the Secretary of the Interior on December 23, 1902.

Respectfully,

Commissioner in Charge

7-D-513.

Muskogee, Indian Territory, October 20, 1903.

Edna L. Krebs,

Vinita, Indian Territory.

Dear Madam:

It appears from the records of the Commission that you and your minor child, Pushmataha Dobbs, are applicants for enrollment as citizens by blood of the Choctaw Nation.

It further appears that on the 20th day of May, 1903, there was filed with the Commission your sworn statement electing in your own behalf to take your allotment of lands and distribution of moneys in the Choctaw Nation, but it does not appear from our records that there has been any election in behalf of your minor son, Pushmataha Dobbs, nor does it appear that there has been filed with the records in said case any proper proof of the birth of said child.

You are advised that it will be necessary for you to furnish the Commission with a sworn statement showing in what nation you desire to have your minor son enrolled and take his allotment of lands and distribution of moneys. It will also be necessary for you to fill out the enclosed blank affidavit as to the birth of your said minor child, Pushmataha Dobbs.

E.L.K.--2.

In filling out the enclosed affidavit be careful to see that all blank spaces are properly filled, and that the Notary Public who takes the acknowledgments affixes his seal thereto.

This matter should receive your immediate attention, as until this is received nothing further can be done in the matter of the application for the enrollment of yourself and son as citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

B? C.
Env.

Choctaw D 513

Muskogee, Indian Territory, June 1, 1904.

Edra Lora Krebs,

Cleora, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of May 19, asking if you can now make selection of allotments for yourself and your minor child.

In reply to your letter you are advised that the Commission has not yet passed upon your application for the enrollment of yourself and your child, Pushmataha Dobbs, but the same is now receiving consideration and as soon as a decision is reached in your case you will be notified of the action taken therein. Pending your enrollment by the Commission and the approval thereof by the Secretary of the Interior, you would not be permitted to make selection of allotments.

Respectfully,

Chairman.

7-D-513

Muskogee, Indian Territory, September 15, 1905.

Chief Clerk,

Cherokee Land Office,

Tahlequah, Indian Territory,

Dear Sir:

Kindly inform the Choctaw-Chickasaw Enrollment Division at the earliest practicable date, whether or not John R. Krebs whose name appears as No. 21681 upon a list prepared by the Commission to the Five Civilized Tribes, of persons entitled to enrollment as citizens by blood of the Cherokee Nation, and approved by the Secretary of the Interior on December 23, 1902, has selected his allotment of land in said nation, and if so, whether the same was arbitrarily or voluntarily made, and the date thereof.

Respectfully,

Acting Commissioner.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-382-3

Muskogee, Indian Territory, November 6, 1902.

Choctaw-Chickasaw Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:-

You are requested to furnish the Cherokee Enrollment Division of this Commission with information as to the status, as citizens of the Choctaw Nation, of the following named persons:

Theresa C. Krebs, aged 52;
John R. Krebs, aged 14, son of Theresa C. Krebs;
Lora E. Krebs, aged 23, daughter of Theresa C. Krebs;
Pushmataha D. Dobbs, aged 3, son of Lora E. Krebs.

You are advised that Theresa C. Krebs and her son, John R. Krebs, applied to the Commission on September 21, 1900, for enrollment as citizens of the Cherokee Nation, and that at that time they were listed upon Cherokee doubtful card D-382; that on May 20, 1902 these two applicants were ordered by the Commission to be enrolled upon a regular Cherokee card.

On September 21, 1900 Lora E. Krebs applied for the enrollment of herself and her son, Pushmataha D. Dobbs, as citizens of the Cherokee Nation. The names of these applicants were placed upon Cherokee doubtful card D-383, and the Commission has not yet rendered a decision as to their rights to enrollment as Cherokees.

Respectfully,

Tamm Bixby
Acting Chairman

7-D-513.

Muskogee, Indian Territory, December 19, 1902.

T.O. Krebs,

Vinita, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 1, 1902, in which you state that Lora E. Krebs is sick in bed and unable to write the Commission acknowledging receipt of list of appointments in the Choctaw and Chickasaw Nations; that she is entitled to be enrolled both in the Choctaw and Cherokee Nations and wishes to know what disposition has been made of her case.

You are advised that Lora E. Krebs will be allowed fifteen days from December 24, 1902, within which to appear in person before the Commission at Muskogee, Indian Territory, and elect in which tribe she wishes to be finally enrolled and receive distribution of land.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES.
TAMM DIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D 513

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 22, 1903.

L. W. Trout,

Cleora, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 4, in behalf of Lora E. Krebs, stating that she desires to be enrolled as a citizen of the Choctaw Nation.

In reply to your letter you are advised that if Lora E. Krebs is unable to appear in person before the Commission to elect to be enrolled in the Choctaw or Cherokee Nation, she should forward an affidavit properly acknowledged before a Notary Public, stating whether she desires to be enrolled and receive distribution of lands and money in the Choctaw or Cherokee Nation.

Respectfully,



Commissioner in Charge.

Choctaw D 813.

Muskogee, Indian Territory, March 2, 1903.

P. G. Reuter,

Clerk in Charge,

Vinita, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 25, asking the status of the case of Lora E. Krebs, an applicant to the Commission for enrollment as a citizen of the Choctaw, and whether she has made her election to be enrolled as a citizen of the Choctaw Nation as required by the Commission's letter of December 19, 1902. You also wish to be informed if any application has been made for the enrollment of her child, Pushmataha D. Dobbs, as a citizen of the Choctaw Nation.

In reply to your letter you are advised that under date of January 4, 1903, a letter was received from L. W. Trout, Cleora, Indian Territory, in behalf of Lora E. Krebs, stating that she desired to be enrolled as a citizen of the Choctaw Nation, and Mr. Trout was informed that if Lora E. Krebs was unable to appear in person before the Commission to elect to be enrolled in the Choctaw or Cherokee Nation, she should forward an affidavit properly acknowledged before a Notary Public, stating whether she desired to be enroll-

P O R 2

ed in the Choctaw or Cherokee Nation, but no such affidavit has as yet been received in response to our letter.

You are further advised that it appears from our records that Pushmataha Dobbs, infant son of Lora E., or Edna L., Krebs, has been listed among the doubtful claimants to enrollment in the Choctaw Nation, as has also John R. Krebs, a brother of Edna L. Krebs, and their names appear with hers on Choctaw doubtful card number 513.

Respectfully,

Chairman.

7 D-513.

Muskogee, Indian Territory, October 10, 1903

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

It appears from our records that Edna L. Krebs and her minor son, Pushmataha Dobbs, have been listed for enrollment as citizens by blood of the Choctaw Nation their names appearing on Choctaw roll card, field number D-513. The name of John R. Krebs, a brother of Edna L., also appears on the same card.

It further appears from the records of the Commission that these parties have also been listed for enrollment as citizens by blood of the Cherokee Nation.

On May 20, 1903 there was filed with the records in this case a sworn statement of Lora E. Krebs electing in her own behalf to be enrolled as a citizen by blood of the Choctaw Nation.

You are requested to furnish this Office with information as to the status, as citizens of the Cherokee Nation, of the above named parties.

Respectfully,

Chairman.

Cherokee D-383

Tahlequah, Indian Territory, October 13, 1903.

Commission to the Five Civilized Tribes,
(Choctaw-Chickasaw Enrollment Division),
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the Commission's letter of October 10, (7 D-513) asking to be informed as to the status of the application of Edna L. Krebs for the enrollment of her self and her son, Pushmataha Dobbs, as citizens of the Cherokee Nation.

In reply, I have the honor to state that Lora E. Krebs has applied to the Commission for the enrollment of herself and her son, Pushmataha Dobbs, as citizens of the Cherokee Nation. The record in that application shows that she has elected, on behalf of herself and her minor child, to be enrolled as citizens of the Choctaw Nation and, awaiting the decision of the Commission as to their rights to be enrolled as Choctaws, no decision has yet been rendered in the Cherokee application.

Respectfully,

Bruce C Jones
Assistant Chief Clerk
Cherokee Land Office.

MM

COMMISSIONERS
TAMM BIKBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-383

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, October 13, 1903.

Commission to the Five Civilized Tribes,
(Choctaw-Chickasaw Enrollment Division),
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the Commission's letter of October 10, (7 D-513) asking to be informed as to the status of the application of Edna L. Krebs for the enrollment of her self and her son, Pushmataha Dobbs, as citizens of the Cherokee Nation.

In reply, I have the honor to state that Lora E. Krebs has applied to the Commission for the enrollment of herself and her son, Pushmataha Dobbs, as citizens of the Cherokee Nation. The record in that application shows that she has elected, on behalf of herself and her minor child, to be enrolled as citizens of the Choctaw Nation and, awaiting the decision of the Commission as to their rights to be enrolled as Choctaws, no decision has yet been rendered in the Cherokee application.

Respectfully,

Bruce C Jones
Assistant Chief Clerk
Cherokee Land Office.

MEM

D 514.1

Grace C. Haily-

Record transferred to
Choctaw card # 4633

WALDOH D 515

Lucy Evans.

Record transferred to
Choctaw card # 2324.

END

OF

ROLL

